



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 87<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE

TUESDAY, JANUARY 3, 1961

The 3d of January being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the 1st session of the 87th Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

**RICHARD M. NIXON**, of California, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. Frederick Brown Harris, D.D., of the city of Washington, offered the following prayer:

God of our fathers, Thou only art our strength and our hope, our shelter from the stormy blast of these tumultuous days, and our eternal home.

In this first moment of a new convocation in this forum of a people's will, with contrite hearts seeking Thy guidance we would write at the top of the record begun this day "In the beginning, God."

As we come to this hour, we are conscious of a cloud of witnesses out of heroic yesterdays who look down upon us from the sacred spaces beneath the white dome of this national temple of governance, as, on this day of beginnings, the ancient vow is uttered, "So help me God." To that solemn affirmation may there echo in the heart of every legislator the sound of a great "Amen."

May those who, in this day of destiny, sit in the exalted seats of this historic Chamber think, without confusion, clearly and speak always with due caution and humility, with a sense of their high calling, knowing that their words are not their own, but that they wing their way to hopeful and also to hostile ears that listen in all the earth.

So, in a volcanic day, with the earth aflame, when the precious things we hold nearest our hearts are threatened by sinister forces without pity or conscience, grant Thy benediction as these dedicated servants of the Republic turn now to the momentous matters awaiting them, with the solemn realization that:

We are watchers of a beacon  
Whose light must never die.  
We are guardians of an altar  
That shows Thee ever nigh.

We are children of Thy free men  
Who sleep beneath the sod.

For the might of Thy arm we bless Thee,  
Our God, our fathers' God.

In the dear Redeemer's name, we ask it. Amen.

CVII—1

### DEATH OF SENATOR HENNINGS

**Mr. SYMINGTON.** Mr. President, I regret to announce the death of the senior Senator from Missouri, Hon. **THOMAS C. HENNINGS, Jr.**, on September 13, at his home in Washington.

Later in the day I expect to present a resolution for a memorial service for Senator **HENNINGS**.

### DEATH OF SENATOR-ELECT THOMSON

**Mr. MCGEE.** Mr. President, I regret to announce the death of Senator-elect **KEITH THOMSON**, of Wyoming. He died on the 9th of December, of a heart attack, rather soon after his election to the Senate.

Later during the deliberations of the day, I plan to introduce a formal resolution in commemoration of Senator-elect **KEITH THOMSON**.

### CREDENTIALS—APPOINTMENT AND ELECTION CERTIFICATES

The **VICE PRESIDENT.** The Chair lays before the Senate certain appointment and election certificates to fill vacancies and for regular terms, which appear to be in proper form. Without objection, after they have been announced by the Chair, they may be printed in the Record without being read. They are as follows:

Certificates of appointment and election of **EDWARD V. LONG**, of Missouri, to fill the vacancy caused by the death of Senator **HENNINGS**.

Certificates of election of **Mrs. MAURINE NEUBERGER**, of Oregon, for both short and long terms.

Communication from former Senator **Kennedy**, of Massachusetts, enclosing a copy of his resignation sent to the Governor of that State.

Certificate of appointment of **BENJAMIN A. SMITH II** to fill the vacancy caused by the resignation of Senator **Kennedy**.

Certificate of the appointment of **J. J. HICKEY**, of Wyoming, to fill the vacancy in the term beginning at noon today.

Without objection, they may be printed in the Record without being read. The Chair hears no objection.

#### CERTIFICATE OF APPOINTMENT

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Missouri, I, **James T. Blair, Jr.**, the Governor of said State, do hereby appoint **EDWARD V. LONG** a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of **THOMAS C. HENNINGS, Jr.**, is filled by election as provided by law.

Witness: His Excellency, our Governor **James T. Blair, Jr.**, and our seal hereto affixed at Jefferson City, Mo., this 23d day of September, in the year of our Lord 1960.

**J. T. BLAIR, Jr.,**  
Governor.

By the Governor:

Attest:

[SEAL]

**ROBERT W. CRAWFORD,**  
Secretary of State.

#### CERTIFICATE OF ELECTION EXECUTIVE OFFICE, STATE OF MISSOURI, Jefferson City.

To Honorable **FELTON M. JOHNSTON**,  
Secretary, U.S. Senate,  
Washington, D.C.

Sir: I, **James T. Blair, Jr.**, Governor of the State of Missouri, hereby certify that at a special election held in the State of Missouri on the 8th day of November 1960, as provided by law, to fill the vacancy caused by the death of the Honorable **THOMAS C. HENNINGS, Jr.**, the following-named person was elected to the office named, as shown by the returns of the election certified to me by Hon. **Robert W. Crawford**, secretary of state of the State of Missouri:

Senator in Congress, **EDWARD V. LONG**,  
Clarksville, Mo.

In witness whereof, I hereunto subscribe my name and cause the great seal of the State of Missouri to be affixed at the city of Jefferson, State of Missouri, this 20th day of December A.D. 1960.

**J. T. BLAIR, Jr.,**  
Governor.

Attest:

**ROBERT W. CRAWFORD,**  
Secretary of State.

#### CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, **MAURINE B. NEUBERGER** was duly chosen by the qualified electors of the State of Oregon a Senator from said State to represent said State in the Senate of the United States for the unexpired term ending January 2, 1961, occasioned by the death of Hon. **Richard L. Neuberger**.

Witness His Excellency our Governor **Mark O. Hatfield**, and our seal hereto affixed at Salem, Oreg., this 1st day of December 1960.

**MARK O. HATFIELD,**  
Governor.

By the Governor:

[SEAL]

**HOWELL APPLING, Jr.,**  
Secretary of State.

#### CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, **MAURINE B. NEUBERGER** was duly chosen by the qualified electors of the State of Oregon a Senator from said State to represent said State in the Senate of the United States for a term of 6 years, beginning on the 3d day of January 1961.

Witness His Excellency our Governor **Mark O. Hatfield**, and our seal hereto affixed at

Salem, Oreg., the 1st day of December, in the year of our Lord 1960.

MARK O. HATFIELD,  
Governor.

By the Governor:  
[SEAL]

HOWELL APPLING, Jr.,  
Secretary of State.

U.S. SENATE,  
Washington, D.C., December 22, 1960.

HON. RICHARD M. NIXON,  
The Vice President,  
Washington, D.C.

DEAR MR. VICE PRESIDENT: I am enclosing a copy of a letter which I am today forwarding to the Honorable Foster Furcolo, Governor of the Commonwealth of Massachusetts.

Sincerely,

JOHN F. KENNEDY.

DECEMBER 22, 1960.

HON. FOSTER FURCOLO,  
Governor, Commonwealth of Massachusetts,  
Boston, Mass.

DEAR GOVERNOR: I herewith resign my seat in the United States Senate as of this date.

Sincerely,

JOHN F. KENNEDY.

THE COMMONWEALTH OF  
MASSACHUSETTS,  
EXECUTIVE DEPARTMENT,  
Statehouse, Boston, December 27, 1960.

FELTON M. JOHNSTON,  
Secretary of the Senate,  
Senate Office Building,  
Washington, D.C.

DEAR MR. JOHNSTON: This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the Commonwealth of Massachusetts, I have appointed BENJAMIN A. SMITH II of Gloucester in said Commonwealth a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States until the vacancy therein, caused by the resignation of John F. Kennedy, is filed by election as provided by law.

I enclose a certified copy of the appointment, the original commission of which has been given in hand to the said Senator.

Very truly yours,

FOSTER FURCOLO,  
Governor.

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Wyoming, I, Jack R. Gage, the Acting Governor of said State, do hereby appoint J. J. "Joe" Hickey a Senator from said State to represent said State in the Senate of the United States for a term commencing at 12:00 noon January 3, 1961 and ending at 12:00 noon January 3, 1963, to fill the vacancy occurring in that office for said period.

Witness His Excellency our Acting Governor Jack R. Gage, and our seal hereto affixed at Cheyenne, Wyo., this 2d day of January in the year of our Lord 1961.

THOMAS C. BOGUS,  
Deputy Secretary of State.

By the Governor:  
[SEAL]

JACK R. GAGE,  
Acting Governor.

THE STATE OF COLORADO,  
EXECUTIVE CHAMBERS,  
Denver, Colo., December 14, 1960.

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES,  
Washington, D.C.

DEAR SIR: This is to certify that on the 8th day of November 1960, GORDON ALLOTT was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness His Excellency our Governor, Steve McNichols, and our seal hereto affixed at Denver, Colo., this 14th day of December, in the year of our Lord 1960.

By the Governor:

STEVE MCNICHOLS,  
Governor.

Attest:

GEORGE J. BAKER,  
Secretary of State.

[SEAL]

By F. J. SERAFINI,  
Deputy Secretary of State.

STATE OF NEW MEXICO

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 8th day of November 1960, CLINTON P. ANDERSON was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness His Excellency, our Governor, John Burroughs, and our seal hereto affixed at Santa Fe, this 28th day of November, in the year of our Lord, 1960.

JOHN BURROUGHS,  
Governor.

By the Governor:

[SEAL]

J. C. COMPTON,  
Chief Justice of New Mexico.  
BETTY FLORINA,  
Secretary of State.

STATE OF ALASKA,  
OFFICE OF THE GOVERNOR,  
Juneau.

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 8th day of November 1960, E. L. BARTLETT was duly chosen by the qualified electors of the State of Alaska a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness His Excellency, our Governor, William A. Egan, and our seal hereto affixed at Juneau, Alaska, this 25th day of November, in the year of our Lord 1960.

By the Governor:

WILLIAM A. EGAN,  
Governor.  
HUGH J. WADE,  
Secretary of State.

[SEAL]

STATE OF DELAWARE,  
EXECUTIVE DEPARTMENT,  
Dover.

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 8th day of November 1960, J. CALEB BOGGS was duly chosen by the qualified electors of the State of Delaware a Senator from the said State to represent the said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, J. CALEB BOGGS, and our seal hereto affixed at Dover, this 5th day of December, in the year of our Lord 1960.

J. CALEB BOGGS,  
Governor.

By the Governor:  
[SEAL]

GEORGE J. SCHULZ,  
Secretary of State.

THE STATE OF NEW HAMPSHIRE,  
EXECUTIVE DEPARTMENT.

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 8th day of November 1960, STYLES BRIDGES was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Wesley Powell, and our seal hereto affixed at Concord, this 30th day of November, in the year of our Lord 1960.

WESLEY POWELL,  
Governor.

By the Governor, with advice of the  
council:

[SEAL]

ROBERT L. STARK,  
Acting Secretary of State.

STATE OF NEW JERSEY

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 8th day of November 1960, CLIFFORD P. CASE was duly chosen by the qualified electors of the State of New Jersey a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Robert B. Meyner, and our seal hereto affixed at Trenton, this 6th day of December, in the year of our Lord 1960.

ROBERT B. MEYNER,  
Governor.

By the Governor:

[SEAL]

EDWARD J. PATTEN,  
Secretary of State.

OFFICE OF THE GOVERNOR,  
Frankfort, Ky., December 16, 1960.

MR. FELTON M. JOHNSTON,  
Secretary of U.S. Senate,  
Washington, D.C.

DEAR MR. JOHNSTON: Pursuant to your request, we are glad to furnish you with the following certificates of election of the U.S. Senator from Kentucky for a full 6-year term as a result of the election held November 8, 1960:

"TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

"This is to certify that on the 8th day of November 1960, JOHN SHERMAN COOPER was duly chosen by the qualified electors of the State of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

"Witness: His Excellency our Governor, Bert Thomas Combs, and our seal hereto affixed at Frankfort, Ky., this 16th day of December, in the year of our Lord 1960."

BERT COMBS,  
Governor, Commonwealth of Kentucky.

By the Governor:

[SEAL]

HENRY CARTER,  
Secretary of State, Commonwealth of  
Kentucky.

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 8th day of November 1960, CARL T. CURTIS was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Dwight W. Burney, and our seal hereto affixed at Lincoln, this 28th day of November, in the year of our Lord 1960.

DWIGHT W. BURNEY,  
Governor.

By the Governor:  
[SEAL]

FRANK MARSH,  
Secretary of State.

STATE OF ILLINOIS

TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 8th day of November 1960, PAUL H. DOUGLAS was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.



Witness: His Excellency our Gov. William G. Stratton, and our seal hereto affixed at Springfield this 15th day of December, in the year of our Lord 1960.

WILLIAM G. STRATTON,  
Governor.

By the Governor:

[SEAL] CHARLES F. CARPENTIER,  
Secretary of State.

STATE OF IDAHO,  
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, HENRY DWORSHAK was duly chosen by the qualified electors of the State of Idaho, a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Robert E. Smylie, and our seal hereto affixed at Boise, this 27th day of December, in the year of our Lord 1960.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Idaho. Done at Boise, the capital of Idaho, this 27th day of November, in the year of our Lord 1960, and of the independence of the United States of America, the 185th.

ROBERT E. SMYLIE,  
Governor.

By the Governor:

[SEAL] ARNOLD WILLIAMS,  
Secretary of State.

STATE OF MISSISSIPPI,  
EXECUTIVE DEPARTMENT,  
Jackson.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, JAMES O. EASTLAND was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Ross R. Barnett, and our seal hereto affixed at Jackson, Miss., this 2d day of December, in the year of our Lord 1960.

ROSS R. BARNETT,  
Governor.

By the Governor:

[SEAL] HEBER LADNER,  
Secretary of State.

STATE OF LOUISIANA,  
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, ALLEN J. ELLENDER was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency, our Governor, Jimmie H. Davis, and our seal hereto affixed, at Baton Rouge, this 29th day of November, in the year of our Lord, 1960.

JIMMIE H. DAVIS,  
Governor.

By the Governor:

[SEAL] WADE O. MARTIN, JR.,  
Secretary of State.

UNITED STATES OF AMERICA,  
STATE OF MINNESOTA,  
DEPARTMENT OF STATE.

HON. ORVILLE L. FREEMAN,  
Governor of the State of Minnesota:

I, Joseph L. Donovan, secretary of state of the State of Minnesota, and chairman of the State canvassing board, do hereby certify:

That on the 22d day of November 1960, there was duly constituted and convened,

according to law, a State canvassing board to canvass the election returns of the votes cast at the general election of November 8, 1960, in the State of Minnesota;

That said State canvassing board, so constituted and convened, tabulated and summarized the certified copies of election returns made by the 87 county canvassing boards; and

That said State canvassing board duly declared that HUBERT H. HUMPHREY was chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

In witness whereof, I have hereunto set my hand, and have caused the great seal of the State of Minnesota to be hereunto affixed, at the capitol in St. Paul, this 22d day of November A.D. 1960.

[SEAL] JOSEPH L. DONOVAN,  
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, LYNDON B. JOHNSON was duly chosen by the qualified electors of the State of Texas a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor of Texas, and our seal hereto affixed at Austin, Tex., this 25th day of November, in the year of our Lord 1960.

PRICE DANIEL,  
Governor of Texas.

By the Governor:

[SEAL] ZOLLIE STEAKLEY,  
Secretary of State.

STATE OF NORTH CAROLINA,  
GOVERNOR'S OFFICE,  
RALEIGH.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, B. EVERETT JORDAN was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Luther H. Hodges, and our seal hereto affixed at Raleigh, this 22d day of December, in the year of our Lord 1960.

LUTHER H. HODGES,  
Governor of North Carolina.

By the Governor:

[SEAL] THAD EURE,  
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, ESTES KEFAUVER was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Buford Ellington, and our seal hereto affixed at Nashville, Tenn., this 28th day of November in the year of our Lord 1960.

BUFORD ELLINGTON,  
Governor.

By the Governor:

[SEAL] JOE C. CARR,  
Secretary of State.

STATE OF OKLAHOMA,  
EXECUTIVE CHAMBERS,  
Oklahoma City, November 30, 1960.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, ROBERT S. KERR was duly

chosen by the qualified electors of the State of Oklahoma a Senator from said State to represent said State in the Senate of the United States for a term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, J. Howard Edmondson, and our seal hereto affixed at Oklahoma City, this 30th day of November in the year of our Lord 1960.

J. HOWARD EDMONDSON,  
Governor.

By the Governor:

[SEAL] WILLIAM N. CHRISTIAN,  
Secretary of State.

STATE OF ARKANSAS,  
EXECUTIVE DEPARTMENT.

PROCLAMATION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, JOHN L. MCCLELLAN was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Orval E. Faubus, and our seal hereto affixed at Little Rock, this 8th day of December, in the year of our Lord 1960.

ORVAL E. FAUBUS,  
Governor.

By the Governor:

[SEAL] C. G. HALL,  
Secretary of State.

STATE OF MICHIGAN

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, PATRICK V. McNAMARA was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, G. Mennen Williams, and our seal hereto affixed at Lansing, Mich., this 20th day of December, in the year of our Lord, 1960.

G. MENNEN WILLIAMS,  
Governor.

By the Governor:

[SEAL] JAMES M. HARE,  
Secretary of State.

THE STATE OF MONTANA,  
EXECUTIVE CHAMBERS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, LEE METCALF was duly chosen by the qualified electors of the State of Montana a Senator from this State to represent the State of Montana in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, J. Hugo Aronson, and our seal hereto affixed at Helena, this 12th day of December, in the year of our Lord 1960.

J. HUGO ARONSON,  
Governor.

By the Governor:

[SEAL] FRANK MURRAY,  
Secretary of State.

STATE OF IOWA,  
EXECUTIVE DEPARTMENT.

December 13, 1960.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, JACK MILLER was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency, our Governor, Herschel C. Loveless, and our seal hereto affixed at Des Moines, Iowa, this 13th day of December, in the year of our Lord 1960.

HERSCHEL C. LOVELESS,  
Governor.

By the Governor:

Attest:  
[SEAL]

MELVIN D. SYNHORST,  
Secretary of State.

STATE OF SOUTH DAKOTA  
CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, KARL E. MUNDT was duly chosen by the qualified electors of the State of South Dakota a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency, our Governor, Ralph Herseth, and our seal hereto affixed at Pierre, the capital of said State, this 8th day of December, in the year of our Lord 1960.

RALPH HERSETH,  
Governor.

By the Governor:

[SEAL]

SELMA SANDNESS,  
Secretary of State.

STATE OF RHODE ISLAND &  
PROVIDENCE PLANTATIONS,  
EXECUTIVE CHAMBER,  
Providence.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, CLAIBORNE DEB. PELL, of Newport, was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations, a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency, our Governor, Christopher Del Sesto and our seal hereto affixed at Providence, R.I., this 19th day of December, in the year of our Lord 1960.

CHRISTOPHER DEL SESTO,  
Governor.

By the Governor:

[SEAL]

AUGUST P. LA FRANCE,  
Secretary of State.

THE STATE OF WEST VIRGINIA

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, JENNINGS RANDOLPH, of the county of Randolph, was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning at noon on the 3d day of January next.

Given under my hand and the great seal of the said State of West Virginia, this 20th day of December 1960.

CECIL H. UNDERWOOD,  
Governor.

By the Governor:

[SEAL]

JOE F. BURDETT,  
Secretary of State.

COMMONWEALTH OF VIRGINIA

To All to Whom These Presents Shall Come, Greeting:

This is to certify that at a meeting of the State board of elections, held in its office on November 28, 1960, on an examination of the official abstract of votes on file in that office it was ascertained and determined that at the general election held on the first Tuesday after the first Monday in November 1960, for U.S. Senator, A. WILLIS ROBERTSON was duly elected United States Senator from Virginia for the term prescribed by law.

Witness the following official signatures and the seal of office at Richmond, this 28th day of November 1960.

STATE BOARD OF ELECTIONS,  
A. M. HARMAN, Jr., Chairman.  
LEVIN NOCK DAVIS, Secretary.

CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, Hon. RICHARD B. RUSSELL was duly chosen by the qualified electors of the State of Georgia as a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January, 1961.

Witness: His Excellency our Governor, S. Ernest Vandiver, and our seal hereto affixed at Atlanta, Ga., this 28th day of November in the year of our Lord 1960.

S. ERNEST VANDIVER,  
Governor.

By the Governor:

[SEAL]

BEN W. FORTSON, Jr.,  
Secretary of State.

THE COMMONWEALTH OF MASSACHUSETTS  
To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November, 1960, LEVERETT SALTONSTALL was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Foster Furcolo, and our seal hereto affixed at Boston this 13th day of December in the year of our Lord 1960.

FOSTER FURCOLO,  
Governor.

By the Governor:

[SEAL]

JOSEPH D. WARD,  
Secretary of the Commonwealth.

STATE OF KANSAS,  
EXECUTIVE DEPARTMENT.

CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November, 1960, ANDREW F. SCHOEPEL was duly chosen by the qualified electors of the State of Kansas a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, George Docking, and our seal hereto affixed at Topeka, Kans., this 8th day of December in the year of our Lord 1960.

GEORGE DOCKING,  
Governor.

By the Governor:

[SEAL]

PAUL R. SHANAHAN,  
Secretary of State.

STATE OF MAINE

To All Who Shall See These Presents, Greetings:

Know ye, that MARGARET CHASE SMITH, of Skowhegan, in the County of Somerset, on the 8th day of November, in the year of our Lord 1960, was chosen by the electors of this State, a U.S. Senator to represent the State of Maine in the U.S. Senate, for the term of 6 years, beginning on the 3d day of January 1961.

In testimony whereof, I have caused the seal of State to be hereunto affixed.

Given under my hand at Augusta, the 28th day of November in the year of our Lord 1960, and in the 185th year of the Independence of the United States of America.

JOHN H. REED,  
Governor.

[SEAL]

HAROLD I. GOSS,  
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, JOHN SPARKMAN was duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, John Patterson, and our seal hereto affixed at Montgomery, this 21st day of November, in the year of our Lord 1960.

JOHN PATTERSON,  
Governor.

Attest:

[SEAL]

BETTYE FRINK,  
Secretary of State.

THE STATE OF SOUTH CAROLINA

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, STROM THURMOND was duly chosen by the qualified electors of the State of South Carolina a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, Ernest F. Hollings, and our seal hereto affixed at Columbia, this 29th day of November, in the year of our Lord 1960.

ERNEST F. HOLLINGS,  
Governor.

By the Governor:

[SEAL]

O. FRANK THORNTON,  
Secretary of State.

CERTIFICATE OF ELECTION

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 8th day of November 1960, KEITH THOMSON was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1961.

Witness: His Excellency our Governor, J. J. "Joe" Hickey, and our seal hereto affixed at 10 a.m., this 2d day of December in the year of our Lord 1960.

J. J. "JOE" HICKEY,  
Governor.

By the Governor:

[SEAL]

JACK R. GAGE,  
Secretary of State.

ADMINISTRATION OF OATH

The VICE PRESIDENT. The Senators to be sworn in will present themselves at the desk, in groups of four, as their names are called in alphabetical order.

The legislative clerk (Edward E. Mansur) called the names of Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, and Mr. BOGGS.

These Senators, escorted by Mr. CARROLL, Mr. CHAVEZ, Mr. GRUENING, and Mr. WILLIAMS of Delaware, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. BRIDGES, Mr. CASE of New Jersey, Mr. COOPER, and Mr. CURTIS.

These Senators, escorted by Mr. COTTON, Mr. WILLIAMS of New Jersey, Mr. MORTON, and Mr. HRUSKA, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President; and



they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, and Mr. ELLENDER.

These Senators, escorted by Mr. DIRKSEN, Mr. CHURCH, Mr. STENNIS, and Mr. LONG of Louisiana, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. HICKEY, Mr. HUMPHREY, Mr. JOHNSON of Texas, and Mr. JORDAN.

These Senators, escorted by Mr. McGEE, Mr. MCCARTHY, Mr. YARBOROUGH, and Mr. ERVIN, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The VICE PRESIDENT laid before the Senate a telegram, in the nature of a petition, from Melvin C. Perkins, of Baltimore, Md., relative to the seating of J. J. HICKEY as a Senator from the State of Wyoming, which was referred to the Committee on Rules and Administration.

The legislative clerk called the names of Mr. KEFAUVER, Mr. KERR, Mr. LONG of Missouri, and Mr. McCLELLAN.

These Senators, escorted by Mr. GORE, Mr. MONRONEY, Mr. SYMINGTON, and Mr. HAYDEN, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. McNAMARA, Mr. METCALF, Mr. MILLER, and Mr. MUNDT.

These Senators, escorted by Mr. HART, Mr. MANSFIELD, Mr. HICKENLOOPER, and Mr. CASE of South Dakota, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mrs. NEUBERGER, Mr. PELL, Mr. RANDOLPH, and Mr. ROBERTSON.

These Senators, escorted by Mr. MORSE, Mr. PASTORE, Mr. BYRD of West Virginia, and Mr. BYRD of Virginia, respectively, advanced to the Vice President's desk the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. RUSSELL, Mr. SALTONSTALL, and Mr. SCHOEPEL.

These Senators, escorted by Mr. TALMADGE, Mr. DIRKSEN, and Mr. CARLSON, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. SMITH of Massachusetts, Mrs. SMITH of Maine, Mr. SPARKMAN, and Mr. THURMOND.

These Senators, escorted by Mr. SALTONSTALL, Mrs. NEUBERGER, Mr. HILL, and Mr. JOHNSTON, respectively, advanced to the Vice President's desk; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the official oath book.

#### SENATOR FROM TEXAS

The VICE PRESIDENT. The Chair will now read communications from Senator JOHNSON of Texas which were sent to the Senate and Governor of Texas:

U.S. SENATE,  
OFFICE OF THE DEMOCRATIC LEADER,  
Washington, D.C., December 31, 1960.  
The Honorable the VICE PRESIDENT OF THE  
UNITED STATES,  
U.S. Senate,  
Washington, D.C.

DEAR MR. VICE PRESIDENT: I enclose a copy of a letter addressed by me to the Governor of Texas tendering my resignation as U.S. Senator from that State for the term beginning at noon January 3, 1961, effective immediately after I have taken and subscribed to the required oath in open Senate.

Sincerely yours,

LYNDON B. JOHNSON.

DECEMBER 31, 1960.

The Honorable PRICE DANIEL,  
Governor of Texas,  
Austin, Tex.

DEAR GOVERNOR DANIEL: I hereby tender my resignation as U.S. Senator from the State of Texas for the term beginning at noon January 3, 1961, effective immediately after the oath required by the Constitution and prescribed by law has been taken and subscribed by me in open Senate as provided by rule II of its standing rules.

Sincerely yours,

LYNDON B. JOHNSON.

The VICE PRESIDENT. The Chair lays before the Senate a communication and telegram from the Governor of Texas.

The communications are as follows:

THE STATE OF TEXAS,  
EXECUTIVE DEPARTMENT,  
Austin, Tex., December 31, 1960.  
Honorable RICHARD M. NIXON,  
Vice President of the United States and  
President of the U.S. Senate, Washington,  
D.C.

DEAR SIR: Having received notice of resignation from Senator LYNDON B. JOHNSON effective after his taking the oath of office on January 3, 1961, I hereby appoint WILLIAM A. BLAKLEY, of Dallas, Tex., to the office of U.S. Senator to succeed Senator JOHNSON upon his resignation January 3, 1961.

Sincerely yours,

PRICE DANIEL,  
Governor.

AUSTIN, TEX., January 3, 1961.  
FELTON M. JOHNSTON,  
Secretary of the U.S. Senate,  
Washington, D.C.:

Confirming my letter of December 31, I hereby appoint WILLIAM A. BLAKLEY, of Dallas, Tex., to the office of U.S. Senator to succeed Senator JOHNSON upon his resignation effective after his taking the oath of office today. Certificate of appointment being mailed.

PRICE DANIEL,  
Governor.

The VICE PRESIDENT. The Senator designate will present himself at the desk to take the constitutional oath of office.

Mr. BLAKLEY, escorted by Mr. YARBOROUGH, advanced to the Vice President's desk; the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the official oath book.

#### CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Ervin	Miller
Allott	Fong	Monroney
Anderson	Goldwater	Morse
Bartlett	Gore	Morton
Beall	Gruening	Moss
Bennett	Hart	Mundt
Bible	Hartke	Muskie
Blakley	Hayden	Neuberger
Boggs	Hickenlooper	Pastore
Bridges	Hickey	Pell
Burdick	Hill	Proxmire
Bush	Holland	Randolph
Butler	Hruska	Robertson
Byrd, Va.	Humphrey	Russell
Byrd, W. Va.	Jackson	Saltonstall
Cannon	Javits	Schoeppel
Carlson	Johnston	Scott
Carroll	Jordan	Smathers
Case, N.J.	Keating	Smith, Mass.
Case, S. Dak.	Kefauver	Smith, Maine
Chavez	Kerr	Sparkman
Church	Kuchel	Stennis
Clark	Lausche	Symington
Cooper	Long, Hawaii	Talmadge
Cotton	Long, La.	Thurmond
Curtis	Long, Mo.	Wiley
Dirksen	McCarthy	Williams, Del.
Dodd	McClellan	Williams, N.J.
Douglas	McGee	Yarborough
Dworshak	McNamara	Young, N. Dak.
Eastland	Magnuson	Young, Ohio
Ellender	Mansfield	
Engle	Metcalf	

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent because of illness.

The VICE PRESIDENT. A quorum is present.

#### LIST OF SENATORS BY STATES

Alabama.—Lister Hill and John J. Sparkman.

Alaska.—E. L. Bartlett and Ernest Gruening.

Arizona.—Carl Hayden and Barry M. Goldwater.

Arkansas.—John L. McClellan and J. William Fulbright.

California.—Thomas H. Kuchel and Clair Engle.

Colorado.—Gordon Allott and John A. Carroll.

Connecticut.—Prescott Bush and Thomas J. Dodd.

Delaware.—John J. Williams and J. Caleb Boggs.

Florida.—Spessard L. Holland and George A. Smathers.

Georgia.—Richard B. Russell and Herman E. Talmadge.

Hawaii.—Hiram L. Fong and Oren E. Long.

Idaho.—Henry C. Dworshak and Frank Church.

Illinois.—Paul H. Douglas and Everett M. Dirksen.

Indiana.—Homer E. Capehart and R. Vance Hartke.

*Iowa.*—Bourke B. Hickenlooper and Jack Miller.  
*Kansas.*—Andrew F. Schoepel and Frank Carlson.  
*Kentucky.*—John Sherman Cooper and Thruston B. Morton.  
*Louisiana.*—Allen J. Ellender and Russell B. Long.  
*Maine.*—Margaret Chase Smith and Edmund S. Muskie.  
*Maryland.*—John M. Butler and J. Glenn Beall.  
*Massachusetts.*—Leverett Saltonstall and Benjamin A. Smith II.  
*Michigan.*—Pat McNamara and Philip A. Hart.  
*Minnesota.*—Hubert H. Humphrey and Eugene J. McCarthy.  
*Mississippi.*—James O. Eastland and John C. Stennis.  
*Missouri.*—Stuart Symington and Edward V. Long.  
*Montana.*—Mike Mansfield and Lee Metcalf.  
*Nebraska.*—Roman L. Hruska and Carl T. Curtis.  
*Nevada.*—Alan Bible and Howard W. Cannon.  
*New Hampshire.*—Styles Bridges and Norris Cotton.  
*New Jersey.*—Clifford P. Case and Harrison A. Williams, Jr.  
*New Mexico.*—Dennis Chavez and Clinton P. Anderson.  
*New York.*—Jacob K. Javits and Kenneth B. Keating.  
*North Carolina.*—Sam J. Ervin, Jr., and B. Everett Jordan.  
*North Dakota.*—Milton R. Young and Quentin N. Burdick.  
*Ohio.*—Frank J. Lausche and Stephen M. Young.  
*Oklahoma.*—Robert S. Kerr and A. S. Mike Monroney.  
*Oregon.*—Wayne Morse and Maurine B. Neuberger.  
*Pennsylvania.*—Joseph S. Clark and Hugh Scott.  
*Rhode Island.*—John O. Pastore and Claiborne deB. Pell.  
*South Carolina.*—Olin D. Johnston and Strom Thurmond.  
*South Dakota.*—Karl E. Mundt and Francis Case.  
*Tennessee.*—Estes Kefauver and Albert Gore.  
*Texas.*—Ralph W. Yarborough and William A. Blakley.  
*Utah.*—Wallace F. Bennett and Frank E. Moss.  
*Vermont.*—George D. Aiken and Winston L. Prouty.  
*Virginia.*—Harry Flood Byrd and A. Willis Robertson.  
*Washington.*—Warren G. Magnuson and Henry M. Jackson.  
*West Virginia.*—Jennings Randolph and Robert C. Byrd.  
*Wisconsin.*—Alexander Wiley and William Proxmire.  
*Wyoming.*—Gale W. McGee and J. J. "Joe" Hickey.

#### NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD submitted the following resolution (S. Res. 1), which was read, considered by unanimous consent, and agreed to, as follows:

*Resolved,* That a committee consisting of two Senators be appointed by the Vice Presi-

dent to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Without objection, the resolution is agreed to, and the Chair appoints the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN] the members of the committee on behalf of the Senate.

#### NOTIFICATION TO THE HOUSE

Mr. DIRKSEN submitted the following resolution (S. Res. 2), which was read, considered by unanimous consent, and agreed to.

*Resolved,* That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

#### HOUR OF DAILY MEETING

Mr. HUMPHREY. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 3), as follows:

*Resolved,* That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

#### ASCERTAINMENT OF ELECTORAL VOTES

Mr. HAYDEN. Mr. President, I submit a concurrent resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read the concurrent resolution (S. Con. Res. 1) as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the two Houses of Congress shall meet in the Hall of the House of Representatives on Friday, the 6th day of January 1961, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A", and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the

result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The VICE PRESIDENT. Without objection, the concurrent resolution is agreed to.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in accordance with the established practice, no bills may be introduced or other morning business transacted until after the President has delivered his annual message. I thought that this subject should be called to the attention of the Senate, in view of the fact that it is our usual practice, and that announcement of it should be made at this time. I may say to the distinguished minority leader that I have no idea as to when the state of the Union message will be delivered.

Mr. DIRKSEN. I can only speculate, but I heard that there was a likelihood that the state of the Union message would come to us on January 12. However, I have no authentic information on that point.

Mr. MANSFIELD. Then I would say that we had better play this by ear, so to speak, for the next day or so, because the 12th of the month is a rather long way off, and I would not want to hold up the business of the Senate in the meantime. I should like to suggest that the Senate conduct its business as expeditiously as possible. In that connection, I would suggest that the chairmen of the various committees and the committees give consideration to the possibility of holding hearings on the nominees of the President-elect, so that as soon after the inauguration as it is possible we may have those nominations brought to the Senate for debate and consideration, and, I would hope, approval.

Mr. DIRKSEN. That subject was discussed this morning. The hope was expressed that perhaps hearings would not be held until the beginning of next week, because during this week we will have a rather full calendar.

Mr. MANSFIELD. I appreciate that. I agree with the minority leader. I believe the suggested procedure will give the committees plenty of time. I would hope that beginning Monday of next week the committees will be able to start their hearings, so that we will be ready to consider the nominations as soon after the inauguration as possible.

#### PROPOSED AMENDMENT OF RULES

Mr. ANDERSON. Mr. President, in accordance with article I, section 5, of the Constitution, which declares that each House may determine the rules of its proceedings, on behalf of myself and the Senator from Kentucky [Mr. MORRIS] I send to the desk a resolution and ask that it be read.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.



The resolution (S. Res. 4) was read as follows:

*Resolved*, That the third paragraph of subsection 2 of rule XXII of the Standing Rules of the Senate is amended by striking out the words "two-thirds" and inserting in lieu thereof "three-fifths".

Mr. ANDERSON. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL. I object.

Mr. ANDERSON. I therefore send to the desk a motion to amend rule XXII of the Standing Rules of the Senate, and ask that it be read. I submit it in behalf of the Senator from Kentucky [Mr. MORTON] and myself.

The VICE PRESIDENT. The motion will be stated for the information of the Senate.

The Chief Clerk read as follows:

#### NOTICE OF MOTION TO AMEND RULE XXII

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXII of the Standing Rules of the Senate in the following particulars, namely: By striking out the words "two-thirds" in the third paragraph of subsection 2 of rule XXII and inserting in lieu thereof "three-fifths."

The purpose of the proposed amendment is: To provide for bringing debate to a close by three-fifths of the Senators present and voting after full and fair discussion.

Mr. RUSSELL. Mr. President, I did not understand the reading of the motion by the clerk. Was that notice given under rule XL or rule L?

The CHIEF CLERK. Rule XL.

Mr. HUMPHREY. Mr. President, as I understand, the request of the Senator from New Mexico [Mr. ANDERSON] for unanimous consent for consideration of the resolution for amendment of the rules was objected to, and that he has now filed a motion for a rule change.

On behalf of the Senator from California [Mr. KUCHEL] and myself, and other Senators who have indicated their support, I wish to offer for consideration by the Senate an amendment to section 3 of rule XXII of the Senate and ask that it be read. I shall supply the names of the other cosponsors of the resolution.

The additional cosponsors are as follows: Mr. AIKEN, Mr. BUSH, Mr. CASE of New Jersey, Mr. JAVITS, Mr. KEATING, Mr. SCOTT, Mr. BEALL, Mr. FONG, Mr. SALTSTALL, Mr. DOUGLAS, Mr. CLARK, Mr. CARROLL, Mr. PROXMIER, Mr. WILLIAMS of New Jersey, Mrs. NEUBERGER, Mr. HART, Mr. DODD, Mr. RANDOLPH, Mr. MCCARTHY, Mr. MORSE, and Mr. ENGLE.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The amendment was read, as follows:

#### NOTICE OF MOTION TO AMEND SENATE RULE XXII

In accordance with the provisions of rule XL of the Standing Rules of the Senate, we hereby give notice in writing that we shall hereafter move to amend rule XXII of the Standing Rules of the Senate by amending subsection 3 thereof to read as follows:

"3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by 16 Senators, to bring to a close the debate upon

any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the 16th calendar day thereafter (exclusive of Sundays and legal holidays) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yeas-and-nays vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And, if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of."

"Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

The purpose of the proposed amendment is to provide, in addition to the provisions for closing debate set forth in subsection 2 of rule XXII, that a constitutional majority of the Senate may vote to close debate 15 calendar days after the presentation of a motion to close debate signed by 16 members, and that thereafter the Senate shall come to a vote on the substantive issues on which cloture has been voted after each Senator has had an opportunity to speak for an additional hour.

THOMAS H. KUCHEL,  
U.S. Senator.

HUBERT H. HUMPHREY,  
U.S. Senator.

Mr. HUMPHREY. Mr. President, I ask unanimous consent for the immediate consideration of the amendment.

Mr. RUSSELL. Mr. President, I am sure that it does not come with any great surprise to the Senator from Minnesota for me to say that I object.

Mr. KUCHEL. Mr. President, on behalf of the Senator from Minnesota [Mr. HUMPHREY] and myself, and on behalf of sundry other Senators, I send to the desk a notice of a motion, and ask that it be read for the information of the Senate.

The VICE PRESIDENT. It will be read for the information of the Senate.

The notice was read as follows:

#### NOTICE OF MOTION TO AMEND CERTAIN SENATE RULES

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXII of the Standing Rules of the Senate in the following particulars, namely:

Section 3 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by 16 Senators, to bring to a close the debate upon

any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the 15th calendar day thereafter (exclusive of Sundays and legal holidays), he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yeas-and-nays vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of."

"Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

The purpose of the proposed amendment is to provide for bringing debate to a close by a majority of the Senators duly chosen and sworn after full and fair discussion.

Mr. KUCHEL. Mr. President, I recall with great pride the constitutional opinion which the present occupant of the chair rendered in the last Congress and prior thereto, in which he stated, as his opinion to the Senate, that at the beginning of each new Congress the Senate, by a majority vote, has a constitutional right to determine the rules which will guide it in debate. Do I state the opinion of the Chair correctly in that paraphrase?

Mr. RUSSELL. Mr. President, I think the ruling might more appropriately come from the Chair. I realize that the distinguished senior Senator from California, who is the minority whip, represents, in part, the State of California. However, it seems to me that we might understand a little better an official ruling coming from the Presiding Officer rather than from the distinguished Senator from California.

Mr. KUCHEL. Would the distinguished occupant of the chair indicate his views with respect to the right of the Senate to adopt rules?

The VICE PRESIDENT. The Chair has indicated his opinion that at the beginning of each new Congress a majority of the Members of the Senate have the constitutional right to determine the rules under which the Senate will be guided. Once that decision is made, or once the Senate proceeds to conduct business under rules adopted in previous Congresses, those rules will then be in effect.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from California will state it.

Mr. KUCHEL. Is the notice of motion which the Senator from Minnesota [Mr. HUMPHREY] and I, and other Senators, have just had read for the information of the Senate available for a vote on the next legislative day by a majority of Senators?

The VICE PRESIDENT. The Senator would have a right to submit the resolution pursuant to the notice which the Senator has given.

Mr. KUCHEL. Then, if the notice were read, as it has been read, and if the resolution contained in that notice were before the Senate tomorrow, do I understand the distinguished occupant of the chair to say that by a majority vote the resolution might be adopted in the Senate?

The VICE PRESIDENT. That would be the ruling the Chair would make.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

The VICE PRESIDENT. Does the Senator from California yield the floor?

Mr. KUCHEL. I yield to the Senator from New York.

Mr. JAVITS. Notice having been given to the Senate under the rule, does that, within what the Chair has just said, mean that the Senate is prevented thereby from proceeding under the Constitution tomorrow, according to the Chair's ruling? Or—and this is my parliamentary inquiry—is it not a fact that the Senate may proceed tomorrow, notwithstanding the invocation of rule XL, under the Constitution of the United States, to deal with the resolution, on which notice has just been given both by the Senator from New Mexico [Mr. ANDERSON] and by the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL], rather than under the rules of the Senate?

The VICE PRESIDENT. That would be the Chair's ruling.

Mr. CASE of South Dakota. Mr. President, will the Senator from California yield for a parliamentary inquiry?

Mr. KUCHEL. I yield for a parliamentary ruling.

Mr. CASE of South Dakota. Since the Vice President's ruling, to which attention has been called, referred to the beginning of the session, would it make any difference, or would the right to consider these presented rule changes be lost, if the Senate were to adjourn tonight, or must the Senate recess in order to preserve the beginning of the session?

The VICE PRESIDENT. The Chair would rule that the Senate would have to recess rather than adjourn to preserve the right to invoke the procedure described by the Senator from New York.

Mr. DIRKSEN. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I yield.

Mr. RUSSELL. Mr. President, I must insist that we follow the regular order. I know of no rule by which, without unanimous consent, Senators can farm out the floor.

The VICE PRESIDENT. The Chair would point out that the distinguished former majority leader of the Senate always exercised that right. Does the Senator from Georgia desire to change that procedure?

Mr. RUSSELL. Yes. I do not think that if we have fallen into error, as the Chair has done previously on many occasions, we should persist in those errors from day to day.

The VICE PRESIDENT. Does the Senator believe that another rule should apply to the Republican side of the aisle than applies to the Democratic side?

Mr. RUSSELL. No, I do not. If any Republican ever raised the issue that a Senator cannot farm out the floor for the purpose of permitting other Senators to ask questions exclusively on one side of the aisle, the Chair should have sustained the point of order, if he had been fulfilling my notion of the rules of the Senate.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. DIRKSEN. Two independent motions have been filed under rule XL. Do they enjoy a status of priority, by virtue of the fact that the Anderson motion was filed first; or is it a question of recognition when they are called up?

The VICE PRESIDENT. Priority generally is determined by whichever Senator gets recognition when the motions are called up.

Mr. DIRKSEN. So the fact that one motion was offered prior to another does not give it any preferred status when the matter is finally considered?

The VICE PRESIDENT. It does not.

The Chair may say to the Senator from Georgia [Mr. RUSSELL] that the Chair obviously will enforce the rules to the letter when a Senator requests that that be done. However, as the Senator knows, over a period of time a custom has been established under which the majority leader or any other Senator can, if there is no objection, hold the floor and yield it to other Senators, as the Senator from California [Mr. KUCHEL] has done.

Mr. RUSSELL. I realize that if no objection is interposed, that is the case. However, I have interposed objection.

The VICE PRESIDENT. The Senator from Georgia does object?

Mr. RUSSELL. Yes. I object to a Senator holding the floor and yielding it exclusively to Senators on one side of the aisle.

Mr. KUCHEL. Mr. President, I desire to understand the opinion of the Chair completely. Is it the opinion of the Chair that if the Senate were to adjourn today and go over to a new legislative day tomorrow, a majority of Senators would not have the right to change the rules pursuant to the constitutional provision involved?

The VICE PRESIDENT. That would be the Chair's opinion unless the provisions of rule XL were complied with.

Mr. KUCHEL. Then I should like to ask the distinguished majority leader whether we might obtain from him an expression of his judgment in the matter. Does he contemplate making a motion to have the Senate recess tonight, so

that we would have our rights preserved to us, or does he contemplate making a motion to have the Senate adjourn?

Mr. MANSFIELD. It would be my hope that we would not take up any of these measures today, but that we would be able to recess until 12 o'clock noon tomorrow. I can only speak personally. However, I hope that that desire will meet with the approval of my colleagues.

Mr. KUCHEL. I thank the able majority leader.

Mr. RUSSELL rose.

The VICE PRESIDENT. Does the Senator from Georgia desire the floor?

Mr. RUSSELL. Mr. President, I want to make certain that I understand the ruling of the Chair, assisted by the Senator from California, with respect to this matter.

I understood the Vice President to say that if we had taken any proceedings under the rules as they obtained at the beginning of the session, he would hold that the rules had been applied, and therefore we would have to proceed in the manner prescribed in the rules to change them. Was my hearing faulty? I am asking the Official Reporters to have that statement transcribed immediately.

The VICE PRESIDENT. The Chair thinks the Senator from Georgia has correctly stated the opinion of the Chair.

Mr. RUSSELL. What interpretation does the Chair place on the fact that the Senator from New Mexico [Mr. ANDERSON] requested consent to file a motion under rule XL, and did file it under rule XL, and sought further proceedings thereon, under rule XL; but objection was raised? The Chair was aware of that fact, was he not?

The VICE PRESIDENT. The Chair was aware of that fact.

Mr. RUSSELL. Will not the Chair consider that proceedings under the rules of the Senate?

The VICE PRESIDENT. The ruling of the Chair is that any rule adopted in a previous Senate which would inhibit the right of a majority of the Members of the Senate in a new Congress to adopt its rules is not applicable. And, as the Chair has made his ruling previously, the Chair would hold that in this instance the filing of the motion under rule XL, as the Senator has indicated he would desire to proceed, is proper; but that any section of the rules, other than rule XL, which would inhibit the right of a majority of the Members of the Senate to determine its rules, would not be applicable.

Mr. RUSSELL. Mr. President, is the Chair aware of any rule that requires larger than a majority vote at any time to change the rules of the Senate?

The VICE PRESIDENT. The Chair's opinion has been, he thinks, quite clearly stated in that respect. The Chair stated that at the beginning of a new Congress a majority of the Members of the Senate can, either by positive action or by waiver of the right to take such action proceed to adopt its rules; but if the Senate proceeds, without objection, under rules previously adopted, to the conduct of business, it is the Chair's opinion that then the rules adopted in previous



Congresses will apply to the Congress in which this Senate is sitting.

On the other hand, if at the beginning of a Congress, before other business is transacted, a majority of the Members of the Senate desire to change the rules under which the Senate has been operating, it is the opinion of the Chair that the majority rule will apply.

Mr. RUSSELL. Mr. President, I must confess that I am a trifle lost, because under the rules of the Senate, as I have always understood them and as they have been applied during the 28 years I have been here, only a majority vote is required in order to change the rules at any time; that is all that is required—a majority vote, at any time, to change the rules of the Senate.

But now the Chair is stating that if we engage in some proceeding under a rule that relates to a change of the rules, that is not applying the rules; but that if we engage in a proceeding under some rule which does not relate to the rules, then we are regulated by the old rules.

Let me ask the Chair whether he has given any attention to the provisions of paragraph 2 of rule XXXII, which was adopted by the Senate no later than January 12, 1959?

The VICE PRESIDENT. The Chair is aware of that provision.

Mr. RUSSELL. Let me ask, Mr. President, that the clerk read that provision; it is to be found on page 43 of the Standing Rules of the Senate.

The VICE PRESIDENT. Without objection, the provision will be read by the clerk.

The legislative clerk read as follows:

Rule XXXII, section 2:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

Mr. RUSSELL. Does the Chair hold that that provision is unconstitutional?

The VICE PRESIDENT. The Chair does.

Mr. RUSSELL. The Chair rules that that is unconstitutional?

The VICE PRESIDENT. If the Chair may complete his opinion: As the Chair pointed out in his advisory opinion during a previous session of the Senate, any provision of the rules adopted by the Members of the Senate in one Congress cannot, in his opinion, inhibit the constitutional right of a majority of the Members of the Senate in any new Congress to adopt their rules by majority vote.

As the Senator from Georgia has properly pointed out, only a majority vote is required to change the rules, if the Senate reaches the point of voting.

What the Chair held as, in his opinion, unconstitutional was the attempt of the Senate in a previous Congress to inhibit the right of the Senate in a practical sense to get to the point where it could adopt rules by majority vote.

Mr. RUSSELL. So the rule which the Chair thinks unconstitutional in the body of the Senate rules is the one to be found in rule XXII?

The VICE PRESIDENT. The Senator from Georgia is correct.

Mr. RUSSELL. The rest of them the Chair deems to be constitutional?

Mr. CASE of South Dakota. Mr. President, will the Senator from Georgia yield to me, for a brief question?

The VICE PRESIDENT. First, let the Chair answer the question which has been asked by the Senator from Georgia.

The Chair has held that in his opinion the Senate does not have a right in any one Congress to adopt any rule which would restrict the right of a majority of the Members of the Senate to adopt its rules at the beginning of a new Congress. In the Chair's opinion, the section of rule XXII which bears the name of the Senator from Georgia—the Russell amendment—would so restrict that right.

Mr. RUSSELL. Oh, Mr. President, the Russell amendment has long been extinguished; it was wiped out years ago, I say with profound regret, for I think the Senate made a mistake.

Mr. CASE of South Dakota. Mr. President, will the Senator from Georgia yield to me, for a question?

Mr. RUSSELL. Just a minute, please; I wish to protect my rights here.

Of course, Mr. President, the Chair would not hold at a subsequent time, if this matter were then presented concretely with respect to a matter pending before the Senate, that the Senator from Georgia had waived his right of appeal by not entering an appeal at this time, would he?

The VICE PRESIDENT. No; the Chair would not under any circumstances deny the right of the Senator from Georgia to appeal from the ruling of the Chair.

Mr. RUSSELL. We are now discussing the matter in the abstract, rather than in the concrete; and the Chair would not rule that it would be unconstitutional, later, for the Senator from Georgia to enter an appeal when the matter was presented to the Senate?

The VICE PRESIDENT. The Chair would actually expect an appeal to be made from the ruling of the Chair in this instance, because, as the Chair has pointed out, what has been referred to as the ruling of the Chair was not a ruling; it was an advisory opinion made following a parliamentary inquiry, as the Chair recalls, proposed by the Senator from Minnesota [Mr. HUMPHREY].

Mr. RUSSELL. I think the Chair's recollection is completely correct about that; it was an advisory opinion, and I do not believe the Chair actually passed on the matter at all at that time.

The VICE PRESIDENT. The Senator from Georgia is correct.

Mr. RUSSELL. And there is no necessity for the Chair to pass on it now. However, I do not desire to waive any right I have, because under rule XL it is not absolutely essential that we pass on it now.

Now I am glad to yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, I address my question to the distinguished Senator from Georgia. The Vice President, in his advisory opinion, has stated that, in his opinion, the Senate has the constitutional right at the beginning of a new Congress to determine what its rules shall be. Does the Senator from Georgia think that the Vice President could rule in any other way on the constitutionality of rule

XXXII? In effect, would the Senator from Georgia imply that the Vice President would rule that a Senate rule could amend the Constitution?

Mr. RUSSELL. Oh, no; I did not mean to imply that. But, as the Senator from South Dakota well knows, there has been before the Senate the issue of whether the Senate is a continuing body; and the distinguished occupant of the Chair has very fairly and frankly stated on a number of occasions that this was his view, but that if the Senate expressed another view, the Senate would be completely within its rights, although contrary to the view of the Vice President.

I raised the question for the reason that there has previously been before the Senate the issue of whether the Senate is a continuing body. I did not expect the Vice President to express his view as to the constitutionality of any of the rules, unless it was done in the light of the determination that the Senate is a continuing body. That determination was had by majority vote, I believe, only 2 years ago. That was subsequent to the time when the Chair made his ruling and we discussed it. That is the reason why I raised the question.

Mr. CLARK, Mr. JAVITS, and other Senators addressed the Chair.

Mr. RUSSELL. Mr. President—

The VICE PRESIDENT. Will the Senator from Georgia allow the Chair to comment on his statement, since, as the Senator from Georgia has properly pointed out, we are trying to keep the record straight as to the ruling the Chair has made or the opinions the Chair has rendered.

Mr. RUSSELL. Certainly.

The VICE PRESIDENT. The Chair in his advisory opinion did hold that the Senate was a continuing body and that the rules of the Senate did continue except for any rule adopted by the Senate which, in the opinion of the Chair, would inhibit the constitutional right of a majority of the Members of the Senate to change its rules or adopt new rules at the beginning of a new session of the Senate. This was the basis of the Chair's advisory opinion. The Chair's opinion was not that it was not a continuing body and that it began with no rules at all at the beginning of a new Congress. It is the opinion of the Chair that, at the beginning of each new session of Congress, the Senate does operate under and begins its business with the rules adopted in previous sessions of the Senate; but the Chair holds that any provision of the rules previously adopted which would restrict what the Chair considers to be the constitutional right of the majority of the Members of the Senate to change the Senate's rules, or to adopt new rules, would not be applicable.

Mr. RUSSELL. I am very happy for the Chair to make that statement. I did not intend to misquote the Chair.

The VICE PRESIDENT. I am sure the Senator did not.

Mr. RUSSELL. I have not read the advisory opinion of the Chair for some time. I must confess I subjected it to rather detailed study at the time it was made. I believe it was made in 1957.

The VICE PRESIDENT. 1957.

Mr. RUSSELL. My memory of it was much better then than it is now, but I studied it carefully at that time. Many things have occurred since then. We have had other parliamentary situations created in the Senate since that time to which it was necessary that I address myself.

I do suggest, with all deference to the Chair, that it is most unusual for the Chair to select any one rule and say the Senate is not a continuing body, but then say another rule can go over with the other rules to another session of Congress. I will discuss that, perhaps, in more detail, at a later time. It is a matter of opinion. I was of the opinion that the Senate ought to adopt all new rules or, if we were a continuing body, that all rules would carry over. While I, of course, view this with a rather jaundiced eye, it did seem to be more logical than for the Vice President, representing the Executive, to select one rule of the Senate and hold it unconstitutional and to hold the other rules constitutional.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. RUSSELL. Yes.

Mr. CASE of South Dakota. Has the Presiding Officer ruled on the constitutionality of rule XXXII? Did not the Chair make a ruling on the constitutionality of the rule. In response to an interrogatory by the Senator from Georgia, did not the Chair today express a ruling on the constitutionality of rule XXXII?

The VICE PRESIDENT. The Chair expressed his opinion that the provisions of rule XXXII which would inhibit the right of a majority of the Members of the Senate at the beginning of a new Congress to change its rules by majority vote would be unconstitutional.

Mr. CASE of South Dakota. Whether it was expressed as an opinion or not, the Senator from South Dakota understood it to be a ruling; but, under the practice of the Senate, whether a ruling or whether merely the question was raised, should not that question be referred to the Senate at this time as to its constitutionality?

The VICE PRESIDENT. The question as to constitutionality can be referred to the Senate for decision.

Mr. HUMPHREY. Mr. President, I believe the discussion of the distinguished Senator from Georgia with the Vice President has been very helpful. So far as my recollection is concerned, it is accurate. The Chair is not making a formal ruling on these particular matters of procedure relating to the rules of the Senate. The Chair has laid down an advisory opinion, as he did in 1957, relating to the rules of the Senate, and as he is doing today, relating to that part of section 32 which reads as follows:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

As I understand, the only way we can have a decision reached on rule XXXII is for the Chair to make a ruling on a parliamentary inquiry or on a point of

order, and then place it before the Senate, on motion of a Senator, to determine whether or not the ruling of the Chair is sustained. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. HUMPHREY. So that we may understand the parliamentary situation for tomorrow, if the majority leader would, as he has indicated, move to recess, rather than to adjourn, would it be the situation that if the distinguished Senator from New Mexico gains recognition, under his motion of notice to bring up a change in the rules, that motion for a change in the rules would be in order tomorrow, would be subject to debate, and could be resolved either by motion to table or the previous question?

The VICE PRESIDENT. That would be the Chair's opinion.

Mr. RUSSELL. Mr. President, did the Chair rule the previous question could be applied on something brought up under rule XL of the Senate?

The VICE PRESIDENT. That would be the Chair's ruling, because, in the Chair's opinion, the right of a majority of the Members of the Senate to adopt its rules in the beginning of a session would include the right to bring the matter to a vote by moving the previous question.

Mr. RUSSELL. Would the previous question ruling be under Robert's Rules of Order?

The VICE PRESIDENT. Will the Senator repeat the question?

Mr. RUSSELL. Would the previous-question motion be guided by Robert's Rules of Order?

The VICE PRESIDENT. In the opinion of the Chair, Robert's Rules of Order would be applicable to the extent that they might apply, but also having in mind the previous procedures of the Senate.

Mr. RUSSELL. I thank the Chair, because Robert's Rules of Order provide for a two-thirds vote in moving the previous question.

Mr. HUMPHREY. Mr. President, if I may continue the interrogation, in response to what has just been said, the Senator from California [Mr. KUCHEL] submitted a notice of intention to submit a resolution to change the rule relating to what we call a majority of those qualified and having been sworn, referred to as a constitutional majority. The senior Senator from Minnesota had given notice of intention to make a motion. If the Senate recessed, as it has been indicated it would do, would the motion of the Senator from Minnesota be in order as a substitute for the motion of the Senator from New Mexico, providing the Senator from New Mexico obtained the floor first?

The VICE PRESIDENT. The motion of the Senator from Minnesota would not be in order, because it embraces more propositions than are contained in the perfecting amendment offered by the Anderson resolution.

Mr. HUMPHREY. We lay down this assumption: there is a motion on the part of the Senator from New Mexico [Mr. ANDERSON] to modify, to amend, or

to change rule XXII in substance; namely, that three-fifths of those Senators present and voting shall be able to apply cloture rather than two-thirds.

Do I correctly understand that the Presiding Officer is giving us an advisory opinion to the effect that if the Senator from Minnesota or any other Senator should offer an amendment which would provide, in substance, that a majority of those Senators qualified and sworn, having taken the oath of office, could apply cloture, it would not be in order?

The VICE PRESIDENT. The perfecting amendment would have precedence over the substitute.

Mr. HUMPHREY. Then would it be possible for the Senator from Minnesota to offer his motion as a perfecting amendment to the Anderson motion?

The VICE PRESIDENT. The difficulty with that procedure would be that the Senator would be embracing material which was not included in the original Anderson proposal.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I will say, most respectfully, to the Presiding Officer, that I have never known the day, when a motion in the first degree was offered as an amendment to an existing rule or to an existing bill, when we in the Senate were denied the opportunity to offer a motion in the second degree. I hope that we do not get an advisory opinion which would deny a Member of the Senate under any circumstances the right to offer a motion in the second degree in the nature of a substitute.

Mr. DIRKSEN. Mr. President, will the Senator yield?

The VICE PRESIDENT. The proper way for the Senator to proceed would be to get action on the perfecting amendment first. Then the Senator could proceed to get action on his proposal.

Mr. HUMPHREY. What does the Presiding Officer mean by that? Does the Presiding Officer call the Anderson amendment a perfecting amendment?

The VICE PRESIDENT. In the method in which it is offered, that is correct.

Mr. HUMPHREY. So what the Presiding Officer is saying is that we would first vote upon the Anderson amendment as a perfecting amendment. Then, if the Senator from Minnesota wished to offer his amendment, he would have to offer it as a second measure to be voted on after the Anderson amendment. Is that what the Presiding Officer is saying?

The VICE PRESIDENT. Once the Anderson amendment is disposed of, then the Senator can offer his amendment as a substitute to the original proposition.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the distinguished minority leader.

Mr. DIRKSEN. Mr. President, I have examined the form and the text of each of these proposals. The Anderson proposal is a simple resolution to strike out "two-thirds" and to substitute "three-fifths." As I look at the form of the Kuchel-Humphrey proposal, it will be



amendatory of the Anderson proposal with additional text and additional changes.

Mr. HUMPHREY. That is correct.

Mr. DIRKSEN. That would not preclude it from first consideration, as I see it, because it is perfecting.

Mr. HUMPHREY. May I say, most respectfully, to the minority leader and to the Vice President, that 2 years ago, I recall, we had very much this same situation before us, with the Senator from New Mexico [Mr. ANDERSON] being privileged to have his motion placed before this body. The then majority leader, the Senator from Texas [Mr. JOHNSON], offered his change in the rules as a substitute for the Anderson proposal. As we know, this was carried.

I think the Senator from Illinois [Mr. DIRKSEN], the minority leader, has simplified this matter and has made it quite clear that what the Anderson proposal would do is to change the arithmetic, so to speak, of rule XXII, and what the Kuchel-Humphrey and other cosponsors' amendment would do is not only to change the arithmetic but also to change the basic substance of rule XXII, and therefore is an amendment in the nature of a substitute.

Mr. KUCHEL. Mr. President, will my colleague yield for a parliamentary inquiry?

Mr. HUMPHREY. I yield.

Mr. KUCHEL. Is it possible now to have the Senate proceed to the consideration of the suggested resolution which the Senator from Minnesota, and I, and other Senators have submitted? If so, Mr. President, in what fashion may a motion be made to bring our proposal before the Senate for debate and action?

Mr. MANSFIELD. Mr. President, before the question of the distinguished minority whip is answered, may I invite to his attention what amounts to a tentative agreement arrived at earlier, whereby I thought with the approval of the Senators on this side of the aisle, and I assumed with the approval of the Senators on the other side of the aisle, we would not bring up any of these three measures today but would recess tonight and bring them up tomorrow.

Since then I have discovered, from talking with the Parliamentarian, that it would be better to adjourn tonight, and that the right to bring up those three measures or any others would be protected and would not be impinged on in any way.

I wished to get that clear. I hope the understanding is that these proposals will not be brought up today, but will be brought up tomorrow.

Mr. KUCHEL. I appreciate what my friend the able majority leader has to say.

I trust that the matter can go over until tomorrow. In that connection, if I may have the permission of my friend, when the able Vice President made his ruling in the previous Congress he suggested in part that a majority of the Members of the Senate of the 87th Congress have power to adopt rules at the opening of the new Congress.

Would the Vice President rule that if we go over to a new legislative day, we

will still have "the opening of a new Congress" before us, so that we can apply our rights under the Constitution, which, in his opinion, we have?

The VICE PRESIDENT. It is the opinion of the Chair that so long as no substantive business is undertaken by the Senate the opening of the new Congress still is in effect, so that the Senate would be able to adopt its rules under the majority procedure which the Chair has described.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KUCHEL. Yes.

Mr. MANSFIELD. In view of the statement made by the distinguished Vice President, I should like to ask unanimous consent that when the Senate completes its business today it adjourn to meet tomorrow at 12 o'clock noon, with the proviso, of course, that all of these protections are allowed, so that these bills could be considered.

Mr. RUSSELL. Mr. President, reserving the right to object, of course there is no question that it would be necessary for the Senate to adjourn to ever get the Anderson motion before the Senate, because the rule requires 1 legislative day.

I wish to know about all of these protective measures, and whether I am waiving any rights in regard to them. I have not been keeping up with all of this side discussion.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes.

Mr. MANSFIELD. There really are no protective measures, except an assurance that these measures which have been introduced today by various Members will be considered tomorrow or some time thereafter. There is the right to have those measures considered, which would not be forfeited.

Mr. RUSSELL. Of course, there is no question, under the rules, on the matter of adjournment. In order to move to proceed to take the Anderson resolution from the table and consider it an adjournment is required. I should like to find out exactly what these unconstitutional rules are. I do not know exactly what protective measures are involved in the Senator's statement.

Mr. MANSFIELD. The Senator may recall that, in response to a question from the senior Senator from California, I stated that in view of what I thought was an advisory opinion laid down by the Presiding Officer we would have to recess tonight to protect the Senator's right to have this proposed legislation considered, but I find since, from talking with the Parliamentarian, that it would be more advisable to adjourn. I wanted to make sure, on the basis of the agreement we entered into earlier, that these measures could be considered and debated on their merits.

Mr. RUSSELL. Mr. President, I suppose it is an admission against interest for me to suggest that unless the Senate did adjourn, it would be impossible ever to proceed to the consideration of the Anderson proposal, because the rule requires that it lie over 1 legislative day,

and adjournment is required to establish a legislative day.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, we have surely had a prolonged procedural discussion on this subject. I would like to attempt to simplify the procedure, if I may, so we can get on with our work.

I understood it was the expressed desire of the majority leader that the Senate adjourn tonight, and that with adjournment no rights would be lost to proceed tomorrow to the consideration of amendments, resolutions, or motions relating, in this instance, to the rules of the Senate. For example, if the Anderson proposal were called up for consideration, it would be subject to debate and there would be no requirement that it lie over an extra day. Is my understanding correct?

The VICE PRESIDENT. The Senator is correct.

Mr. HUMPHREY. Would the same rule apply to the amendment of Senators HUMPHREY, KUCHEL, and others?

The VICE PRESIDENT. The Senator is correct.

Mr. HUMPHREY. I understand there are two procedures that the Senator from Minnesota and his colleagues might use. One would be to offer our amendment without any reference to the Anderson amendment, and to seek recognition so that we can have it voted upon first, if we desire to have it voted upon; is that correct?

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MANSFIELD. I yield.

Mr. KUCHEL. Mr. President, earlier a notice of motion to amend rule XXII, made pursuant to rule XL of the present Standing Rules of the Senate, was read for the information of the Senate. It was offered by the Senator from Minnesota [Mr. HUMPHREY] and myself and other Senators. If we proceed to adjourn the Senate tonight, would a motion be in order by any Senator to make the proposed resolution the pending business tomorrow?

The VICE PRESIDENT. A Senator could make such a motion, provided there was not other business before the Senate which would be in conflict with it.

Mr. KUCHEL. I do not wish to repeat myself, but if such a motion were made, in the opinion of the Presiding Officer, would Members of the Senate be drawing on their rights under the Constitution to consider and debate and then vote on the resolution, as the distinguished occupant of the Chair previously outlined it?

The VICE PRESIDENT. That would be the Chair's opinion.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HUMPHREY. The majority leader had to leave the Chamber momentarily.

Mr. JAVITS. Will the Chair recognize the Senator from Minnesota, so that I may address a parliamentary inquiry to him?

The VICE PRESIDENT. The Senator from Minnesota is recognized.

Mr. HUMPHREY. I yield to the Senator.

Mr. JAVITS. The Chair made some mention of Robert's Rules of Order. Would the Chair also give us his view as to the applicability, within the context of the Chair's ruling on the constitutionality, of Jefferson's Manual of Parliamentary Practice?

Mr. RUSSELL. If we are going to have a ruling, may we have concrete cases stated? Jefferson's Parliamentary Manual covers a wide range of occasions and procedures.

Mr. JAVITS. Does the Chair desire to have the specific instance cited in Jefferson's Manual to which I refer? If so, specifically I refer to section 34, which deals with the previous question.

The VICE PRESIDENT. In the Chair's opinion, the Senate has the right at the beginning of any new Congress, by majority vote, either to change its rules or to adopt such new rules as it desires.

The Chair has indicated that in his opinion the Senate is a continuing body and that the rules adopted by the Senate in one Congress carry over to the next Congress, except for any rule which would inhibit the constitutional right of a majority of the Members of the Senate in a new Congress to adopt or change its rules.

In the opinion of the Chair, when the Senate, at the outset of a new Congress, considers its rules, it is, of course, necessary for the Senate to have some rules under which to operate. As has been indicated, such rules as have been adopted in a previous Congress will be applicable, to the extent that they are not unconstitutional.

Where, as in this instance, the Chair believes the Senate has adopted, in a previous Congress, a rule which would inhibit the right of a majority of the Senate to work its will on rules, then it is necessary to look to other rules which may guide the Senate and the Presiding Officer in the course of considering rules changes. Consequently, it is the opinion of the Chair, as the Chair stated in responding earlier to a parliamentary inquiry by the Senator from Georgia [Mr. RUSSELL], that Robert's Rules of Order could apply to the extent that they also meet the standards which the Chair has described.

The Chair believes, however, that the Senate, in order to work its will with regard to its rules by majority vote, must also have the right to bring the matter of its rules changes to a vote by a majority vote, which means the right to move the previous question. This is what the Chair will rule as his opinion.

The Chair recognizes that this opinion is not shared by some Senators, and a constitutional question would be raised once an appeal from the opinion of the Chair was taken. That constitutional question could be submitted to the Senate for a decision, since the Senate decides constitutional questions.

Mr. JAVITS. Mr. President, my parliamentary inquiry was whether the Chair would couple in its opinion Robert's Rules of Order with Jefferson's Manual, so that the Chair could refer to whatever the Chair felt was consistent with its opinion.

The VICE PRESIDENT. That is the effect of the Chair's ruling.

Mr. JAVITS. I thank the Chair.

Mr. DIRKSEN. Mr. President, the Anderson resolution makes a very simple change in rule XXII. If I read correctly the Humphrey-Kuchel or the Kuchel-Humphrey proposal, it is a perfecting amendment, or an amendment in the nature of a substitute, which, if it were adopted, and on which action would have to take place first, would displace the Anderson amendment and would extinguish, in fact, the Anderson resolution. Is my understanding correct or not?

The VICE PRESIDENT. If the Kuchel proposal were acted upon first, that would, in effect, be the will of the Senate in this particular matter.

Mr. DIRKSEN. Could we avoid acting on the Kuchel-Humphrey proposal first? It looks to me as if it is a perfecting proposal, on which the first action must be had; and if it were adopted, the Anderson amendment or proposal would be out of court and could not be reinstated again.

The VICE PRESIDENT. If the proposal of the Senator from California [Mr. KUCHEL] is offered, as the Senator had indicated he intends to offer it, as an independent proposal, it would be acted upon first.

Mr. DIRKSEN. How can that be avoided? It has been offered under rule XL as an independent motion, but it is a perfecting amendment, and it would not be possible to recur to the Anderson amendment until perfecting amendments had been disposed of.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Not yet; I should like to have the Chair respond to my inquiry.

The VICE PRESIDENT. Will the Senator from Illinois yield to the Senator from Minnesota?

Mr. DIRKSEN. If that is the desire of the Chair, I yield.

Mr. HUMPHREY. I may say to the distinguished minority leader that the purpose of the Senator from California [Mr. KUCHEL] and myself, and other Senators who have associated themselves with the so-called majority rule provision, is as follows: It was the understanding among some of us who had discussed the matter of a rules change that the Senator from New Mexico [Mr. ANDERSON] would offer his modification of rule XXII. A number of Senators are very much in favor of what we call majority rule, under rule XXII. It was our desire to offer an amendment or a

resolution in the nature of a substitute for the Anderson proposal, so that we could first vote on majority rule. If that should not succeed—we hope it shall, and shall work for its success—then the Senate could move next to the second step, to the consideration of the Anderson proposal providing for a vote by three-fifths of Senators present in order to terminate debate. That was our desire.

The ruling of the Chair, on the advice of the Parliamentarian, is to the effect that the motion or the amendment presented by the Senator from California [Mr. KUCHEL] and myself, and other Senators, is not in the nature of a substitute; and that, therefore, the first vote would have to be upon the Anderson proposal. Then we would come, secondly, to the proposal that we have offered for majority rule.

I submit that this should not be a matter which is irreconcilable. We are seeking to provide a rather simple procedure; namely, to have a vote on majority rule without precluding the right to a vote upon a three-fifths majority, if the proposal for majority rule does not succeed.

Mr. DIRKSEN. It does not make any difference what the understandings were, and it does not make any difference what attitude may be taken as to the nature of the Senator's proposal. It has to speak for itself.

Mr. HUMPHREY. We thought it did.

Mr. DIRKSEN. Is it an amendment in the nature of a substitute? It does not even have to recite that fact. If by implication or as a matter of fact it is a substitute, it has to be so considered under Senate rules, no matter what I think or what anybody else thinks. I contend, on the basis of the form and the text in which the Senator offered it, that it has to come first; and if it comes first, as an amendment to the Anderson resolution, that is the end of the Anderson resolution. Then the only problem we have is a question of majority vote as against the existing rule in the Senate rule book. Is that correct?

Mr. HUMPHREY. I think the Senator's interpretation is correct. What we seek—what the Senator from California has suggested in his notice of motion—is not an amendment to anything except rule XXII. It is a resolution to change rule XXII, and will stand in its own right, not as a substitute, not as a perfecting amendment, but as a substitute for the existing rule XXII.

Mr. DIRKSEN. But the difficulty is that in the form in which it was offered it is clearly contained in a form sheet labeled "an amendment." It is an amendment to Senate bill —, waiting for the Anderson resolution to be assigned a number. That is done in parentheses, and it can mean only one thing, namely, that it is a perfecting amendment; and if it is, the vote on it must come first, regardless of what I think or what the distinguished Senator from Minnesota, the distinguished Senator from California, the minority whip, or anyone else thinks. The rules are clear on that point. That is where the first vote must come. If it should prevail, that is the



end of the resolution offered by the distinguished Senator from New Mexico [Mr. ANDERSON].

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SALTONSTALL. I should like to point out, perhaps in the form of a parliamentary inquiry, that the Humphrey-Kuchel resolution is offered as a new section, subsection 3, to rule XXII, and that if it is accepted by majority vote, then subsection 2 of rule XXII is still in order.

If subsection 2 of rule XXII is amended by the Anderson resolution, then we would have a three-fifths majority vote—or a two-thirds majority vote, as it now is—upon a certain procedure.

Then we have subsection 3, a new subsection, which creates an entirely new formula for a constitutional majority to prevail. Therefore, as I see it, either it is necessary to wipe out the first three paragraphs of subsection 2, if the constitutional majority prevails, or there will be two procedures which will be in conflict with each other.

Mr. DIRKSEN. Not in the form in which they were offered.

Mr. SALTONSTALL. I will put that statement in the form of a parliamentary inquiry.

Mr. DIRKSEN. Very well; I yield for that purpose, if I do not lose the floor.

Mr. SALTONSTALL. Mr. President, I make that as a parliamentary inquiry, because it seems to me that if the contention is correct that if the Humphrey-Kuchel amendment comes first the Anderson amendment cannot be offered, that still leaves subsection 2 of rule XXII unchanged. If that be true, will we then vote on subsection 3, or will we vote on the new subsection 3, or will we vote on the procedure under subsection 2? They are in conflict with each other.

Mr. KUCHEL. Mr. President, may I be heard on that point?

Mr. DIRKSEN. First, I must yield. I yield to the distinguished Senator from California.

Mr. KUCHEL. I am grateful to the distinguished minority leader.

Mr. President, it is the desire of those who are sponsoring this rule change to maintain the present right of the Senate to invoke cloture by a two-thirds vote 2 days after a cloture petition is filed. But it is also the desire of those who sponsor this rule change—to which I have affixed my name, along with the names of other Senators—to provide that after 15 days of debate, Sundays and holidays excluded, a majority may invoke cloture.

But, Mr. President, in addition to that comment, I should like to say that, if it would make more clear the desire which the Senator from Minnesota and I and other Senators have, I hold in my hand a proposed Senate resolution, on the proper printed form, which I do wish to send forward, if I may, so that the regrettable error—namely, that what we here term a Senate resolution was on an amendment form—may be eliminated from consideration.

The VICE PRESIDENT. Would the Senator like to withdraw his previous

resolution, and to submit this one in its place?

Mr. KUCHEL. Yes—either that or by way of addition; it makes no difference to me.

Mr. SALTONSTALL. Mr. President, will the Senator from California yield for a question? If that is offered as section 3, as a new section, in the form of a resolution, what will become of the language which already has been voted?

Mr. KUCHEL. Section 2 would remain as a part of the present rule, and would continue to give two-thirds of the Members of the Senate, after a cloture petition had been filed and had been at the desk for 2 days, the right to conclude debate and invoke cloture. But what we hope to persuade the Senate to do is to provide an additional procedure whereby, after a cloture petition lies at the desk for 15 days, a constitutional majority of the Senate would then be able to approve it.

Mr. SALTONSTALL. In other words, there will be two steps under rule XXII?

Mr. KUCHEL. Yes, two available procedures.

Mr. SALTONSTALL. Under rule XXII?

Mr. KUCHEL. Yes.

Mr. CASE of South Dakota. Mr. President, the Senator from Illinois [Mr. DIRKSEN] has had the floor, but has indicated his willingness to yield to me.

The VICE PRESIDENT. The Senator from Illinois has left the floor; and the Senator from South Dakota is now recognized.

Mr. CASE of South Dakota. I thank the Chair.

Mr. President, it seems to me that, basically, what the Chair has indicated as his opinion is that the first business of the Senate, in a new Congress, can be modification of the rules coming over from the last Congress. That is basically what the Chair has suggested; namely, that the first business can be modification of the old rules.

It seems to me that a corollary of that is that if at any time, under that procedure, the Senate proceeds to some other business, then what the Chair has indicated as his opinion would be the case; namely, that the Senate would then have exhausted its right to change its rules; that if it had the opportunity to change them, but proceeds to some other business, then it passes beyond that opportunity. However, until the Senate has transacted some other business, it has a continuing right to change the rules.

I make this observation because it seems to me that part of the confusion arises from the assumption that if a motion to change the rules in one particular were adopted, that would preclude an opportunity to change the rules in some other particular. It is my opinion that the rules could be changed in many particulars, provided the Senate had not then proceeded to some other business. Is that correct?

The VICE PRESIDENT. The Senator from South Dakota has correctly stated the opinion of the Chair.

Mr. CASE of South Dakota. If that be so, then if the Senator from Minnesota [Mr. HUMPHREY] and the Senator

from California [Mr. KUCHEL] wished to get priority after the Senator from New Mexico had been recognized, all they would have to do to obtain a vote on the question of a majority vote, as opposed to a question of a two-thirds or a three-fifths vote, would be to offer to the Anderson motion a simple amendment changing the three-fifths vote provision to a simple majority vote provision. That would bring up that issue at that time.

If they then desired to deal with some other provision of the rules or to proceed in another way to change the rules, if no other business had been transacted they could still seek to amend or to change the rules.

The VICE PRESIDENT. That is correct.

Mr. CASE of South Dakota. Some might consider that a change in rule XXII should then be made; others might consider that a change should then be made in the rule pertaining to the size of committees. If some Senator sought to make a motion, after proper notice, to make a change in the rule pertaining to the size of committees, if no business other than procedure to change the rules had been engaged in, I assume such a motion would be in order.

The VICE PRESIDENT. That would be the opinion of the Chair, and the Chair would so rule.

Mr. CASE of South Dakota. I think that is wholly consistent with the position the Chair has taken in his advisory opinion—namely, that the Senate has a right, under the Constitution, to be the judge of its own rules; but if it once waives that right or, after acting under it, proceeds to other business, it then has waived that right for that particular session.

The VICE PRESIDENT. Let the Chair add that the opinion of the Chair, expressed in 1957, was that once the Senate conducts substantive business under rules previously adopted, it by acquiescence adopts those rules in their entirety. The Chair would also add that once the Senate so proceeds, it also adopts any rules it previously may have adopted, affecting changes in the rules.

Mr. CASE of South Dakota. I thoroughly agree with the opinion expressed by the Chair.

The VICE PRESIDENT. If the Chair may further spell out the opinion: Once the Senate proceeds to conduct substantive business without acting upon its rules or after declining to act, as the Senate did at the beginning of the last Congress, then after that point the rules cannot be changed except under the rules previously adopted by the Senate, whenever they may have been adopted.

Mr. CASE of South Dakota. That is to say, after proper notice.

The VICE PRESIDENT. And under whatever rules may then have been adopted and may be in effect.

Mr. CASE of South Dakota. If, tomorrow, the Senator from California [Mr. KUCHEL] is first recognized, obviously his motion will be entitled to be voted upon prior to the taking of votes on other motions, unless a true perfecting amendment is offered to the amendment

submitted by the Senator from California. Is that correct? Once he is recognized, his proposal will be the first to be voted upon, unless a perfecting amendment is offered to his motion. Is not that correct?

Mr. KUCHEL. Mr. President, may I be heard?

The VICE PRESIDENT. Certainly.

Mr. KUCHEL. In order that there may be no misunderstanding as to the desire of the Senator from Minnesota, myself, and other Senators, let me say that we desire to reoffer the text of our proposed change, and to do it as a clear resolution proposing a change in rule XXII; and I wish to advise the Chair that with respect to the parliamentary inquiry propounded by the able Senator from South Dakota—who, if I correctly understood him, asked whether such a resolution, when offered, would be subject to amendment—

Mr. CASE of South Dakota. Mr. President, that is a rather simple proposition: that if such a resolution is offered, it certainly will be subject to amendments which would normally be in order.

Mr. HUMPHREY. Mr. President, in light of the explanation which has been made by my associate in this matter [Mr. KUCHEL], I will now offer a separate resolution which will relate to an amendment to section 3 of rule XXII of the Standing Rules of the Senate. This resolution is offered in its own right, and, in light of the explanation given by the Senator from California, is not to be considered as a substitute for or a perfecting amendment to any other matter before the Senate.

Mr. President, I send to the desk a resolution on behalf of the Senator from California [Mr. KUCHEL], myself, and a number of other Senators, the names being attached, and ask that the names and the text of the resolution be printed in the body of the RECORD, and I also ask for its immediate consideration.

Mr. RUSSELL. Mr. President, may we have the resolution read?

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL. Mr. President, I think the Senate ought to be apprised of what we are being asked to consider. It was once the rule that resolutions had to be read. I hope that elementary rule will be observed, whether we proceed under Robert's Rules of Order, or whatever procedure.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution (S. Res. 5) offered by Mr. HUMPHREY for himself and other Senators, was read as follows:

*Resolved*, That section 3 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this section, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays and legal holidays) he shall lay

the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

The VICE PRESIDENT. The resolution will lie over, under the rule.

Mr. RUSSELL, Mr. DIRKSEN, and Mr. CLARK addressed the Chair.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. RUSSELL. I object.

The VICE PRESIDENT. Objection is heard.

Mr. HUMPHREY. Mr. President, I want it quite clear that this resolution, as I describe it, stands on its own right or its own feet. There was also another notice of intent to call up another resolution that had been submitted earlier, and notice had been given by the Senator from California [Mr. KUCHEL]. It is my understanding the Senator from California will now offer another motion of intention to act tomorrow upon this particular resolution, without vacating his original.

Mr. KUCHEL. Mr. President, that is correct, I will say to my friend.

Mr. KUCHEL and Mr. DIRKSEN addressed the Chair.

The VICE PRESIDENT. The Senator from California.

Mr. KUCHEL. Mr. President, I send to the desk a notice of motion to amend a part of the rules of the Senate, submitted by the senior Senator from Minnesota [Mr. HUMPHREY], myself, and sundry other Senators, and ask that it be read for the information of the Senate.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:  
NOTICE OF MOTION TO AMEND CERTAIN SENATE RULES

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXII of the Standing Rules of the Senate in the following particulars, namely:

Section 3 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"3. If at any time, notwithstanding the provisions of rule III or rule VI or any other

rule of the Senate, a motion, signed by 16 Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the 15th calendar day thereafter (exclusive of Sundays and legal holidays), he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

The purpose of the proposed amendment is to provide for bringing debate to a close by a majority of the Senators duly chosen and sworn after full and fair discussion.

Mr. DIRKSEN and Mr. RUSSELL addressed the Chair.

The VICE PRESIDENT. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, do we not have three resolutions pending at the desk, or two?

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. Well, is he correct or is he not? Is it three or two?

The VICE PRESIDENT. There are three propositions on the desk.

Mr. DIRKSEN. There are three propositions on the desk.

A further inquiry, Mr. President. Are there three motions of intent pending at the desk to move tomorrow?

The VICE PRESIDENT. Yes.

Mr. DIRKSEN. So we have three resolutions before us and three motions, all independent of each other. Is that correct?

The VICE PRESIDENT. That is correct.

Mr. DIRKSEN. Under the rule, I would take it that the Senator first recognized would get the floor and the resolution offered by such Member of the Senate would be the first to be considered. Is that correct?

The VICE PRESIDENT. Those propositions that go over under the rule would come down in the order in which they have been offered.

Mr. DIRKSEN. Mr. President, under that ruling, the distinguished Senator from New Mexico [Mr. ANDERSON] would



be the first to be automatically recognized for consideration of his resolution.

Mr. ANDERSON. Mr. President, I had thought of withdrawing the first resolution by agreement. I intend this afternoon to substitute a full resolution, offering the entire text of rule XXII.

Mr. DIRKSEN. If that were done and the full text were submitted, then either one of the two alternate resolutions pending at the desk could be offered.

Mr. ANDERSON. That is correct.

Mr. DIRKSEN. In that event, the first action of the Senate would come on either one of the alternative resolutions offered either by the Senator from California or by the Senator from Minnesota. I think the Senator has offered both of them.

Mr. HUMPHREY. Yes.

Mr. DIRKSEN. So the Senator could call up either of them as perfecting amendments or substitutes. So in that way he might be recognized. That would establish the circumstances under which either proposal would first have to be considered.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DIRKSEN. Yes.

Mr. HUMPHREY. It is my understanding that if the Senator from New Mexico offers a new resolution that takes the full text of rule XXII and modifies it with a three-fifth requirement which he intends to place in that amendment, then it would be subject to an amendment in the nature of a substitute as has been presented to the Senate, and lies on the desk, on the part of the Senator from California, the Senator from Minnesota, and other Senators. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. Mr. President, this is not a parliamentary inquiry, but I think we ought, for the information of the Senate, understand from the Senator from New Mexico whether he does today propose to offer this, because if he does not, under rule XL, we could not act on it tomorrow.

Mr. ANDERSON. I will say to the Senator from Illinois, I do intend to propose it. If the Senate started to recess I should have to read the rules of the Senate until the text arrived. As soon as the text arrives I shall propose it, I will say to my friend from Illinois, and it will be before the Senate, and there will be a motion to bring it before the Senate.

Mr. DIRKSEN. So the Members of the Senate can accept, as the order of business tomorrow, the full text will be before the Senate, and the substitutes or amendments in the nature of substitutes can be offered?

Mr. ANDERSON. So far as the Senator from New Mexico is concerned that is correct.

Mr. CASE of South Dakota, Mr. RUSSELL, and Mr. CLARK, addressed the Chair.

Mr. CASE of South Dakota. Mr. President, I desire to offer a notice in writing.

Mr. DIRKSEN. Mr. President, I had not yielded the floor, but I believe I will.

The VICE PRESIDENT. The Senator yields the floor.

Mr. CASE of South Dakota. Mr. President, in accordance with the provisions of rule XL of the Standing Rules of the Senate I hereby give notice in writing it is my intention to hereafter submit a resolution proposing to amend rule XIX, relating to debate, by inserting, after paragraph No. 1 of the said rule a new paragraph No. 2, and I ask that it be read.

The purpose of the proposed amendment is to provide for the consideration and germaneness of amendments, together with debate thereon, to a matter pending before the Senate.

The VICE PRESIDENT. The clerk will read the proposed amendment.

The Chief Clerk (Emery L. Frazier) read as follows:

During the consideration of a bill, resolution, or other matter which has been pending before the Senate for 7 calendar days or more, it shall be in order to offer motions that the Senate proceed with the consideration of amendments which motions shall be privileged and decided with not more than 1 hour of debate, to be equally divided between opponents and proponents.

If such a motion shall be determined in the affirmative, any amendment thereafter received, together with debate thereon, and all debate under the order for pending business shall be required to be germane to the subject matter before the Senate. All questions of relevancy under this rule, when raised, including appeals, shall be decided without debate.

Change the numbers of the succeeding paragraphs of the rule.

Mr. CASE of South Dakota. Mr. President, I submit the resolution for myself and the Senator from Connecticut [Mr. BUSH]. It is a resolution pertaining to germaneness, and I trust it will not be confused with the other resolutions.

Mr. CLARK. Mr. President, will the Senator yield for an observation?

Mr. CASE of South Dakota. I yield to the Senator from Pennsylvania.

Mr. CLARK. I also intend to propose a rule pertaining to germaneness as soon as I can get the floor. Perhaps we can get together.

The VICE PRESIDENT. The resolution will be received and printed.

The resolution (S. Res. 6) is as follows:

Resolved, That rule XIX of the Standing Rules of the Senate, relating to debate, be, and it is hereby, amended by inserting after paragraph numbered 1 of said rule a new paragraph numbered 2, as follows:

"2. During the consideration of a bill, resolution, or other matter which has been pending before the Senate for seven calendar days or more it shall be in order to offer motions that the Senate proceed with the consideration of amendments, which motions shall be privileged and decided with not more than one hour of debate, to be equally divided between opponents and proponents.

"If such a motion shall be determined in the affirmative, any amendment thereafter received, together with debate thereon, and all debate under the order for pending business shall be required to be germane to the subject matter before the Senate. All questions of relevancy under this rule, when raised, including appeals, shall be decided without debate."

Change the numbers of the succeeding paragraphs of the rule.

Mr. RUSSELL and Mr. CLARK addressed the Chair.

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, we had a number of rulings today of one kind and another. I wish to make one thing very clear: If any of these resolutions are laid down and are made the pending business by the Senate, they will be subject to amendment by any Senator who wishes to propose any change in the rules of the Senate.

Mr. CLARK. Mr. President—

Mr. RUSSELL. Is that correct, Mr. President?

Mr. CLARK. I beg the Senator's pardon.

The VICE PRESIDENT. Will the Senator repeat his inquiry?

Mr. RUSSELL. I inquired of the Chair: If any of these resolutions are handed down and become the pending business before the Senate, will they not be open to amendment by any Senator who desires to propose any change in the Standing Rules of the Senate?

The VICE PRESIDENT. The Senator is correct.

Mr. RUSSELL. I am glad to have that information.

Mr. DIRKSEN. Mr. President, the germaneness rule—

Mr. RUSSELL. Just a moment. Mr. President, I have the floor.

Mr. DIRKSEN. The germaneness rule would not apply.

Mr. RUSSELL. Of course not. There is no rule of germaneness.

Mr. DIRKSEN. We should make that clear.

Mr. RUSSELL. In other words, if the Senator from South Dakota desired to propose an amendment as an amendment to the proposition of the Senator from New Mexico, he would have the right to offer it as an amendment, would he not?

The VICE PRESIDENT. He would have a right to offer an amendment.

Mr. RUSSELL. And the Senator from Pennsylvania, who has a number of suggested amendments which he has espoused very vigorously to the Senate, would likewise have a right to offer his amendments as amendments, would he not?

The VICE PRESIDENT. Will the Senator repeat that inquiry? There is some conversation at the desk.

Mr. RUSSELL. Yes.

The VICE PRESIDENT. Will the Senator repeat his inquiry?

Mr. RUSSELL. I am glad I can see over the participants and can see the Presiding Officer. I cannot hear him very plainly. [Laughter.]

The Senator from Pennsylvania has a number of amendments which he has discussed in the public press and over television.

Mr. CLARK. And on the floor of the Senate.

Mr. RUSSELL. And on the floor of the Senate, in the last session. The Senator has also mailed them to all the Members of the Senate. Any one of those amendments would be in order, would it not, if any one of these resolutions should become the pending business of the Senate?

The VICE PRESIDENT. The Chair would hold that if the rule which the Senator desired to amend were not related to the Anderson proposal, for example, that notice would be required under rule XL.

Mr. RUSSELL. But if notice were given under rule XL, then any amendment to the rules would be in order as an amendment?

The VICE PRESIDENT. The Senator is correct.

Mr. RUSSELL. Mr. President, we have had a number of rulings today, and anyone would be hard put not to be pleased by some of them—as well as highly displeased by some of them—because they meet each other coming back on occasion. However, I wish to make it perfectly clear that no point of order as to any of these rulings, whether in conflict or not, has been waived by any Senator.

The VICE PRESIDENT. The Chair so holds.

Mr. RUSSELL. The Presiding Officer holds that any point of order as to any of these rulings would be preserved and could be raised prior to final action on the resolution?

The VICE PRESIDENT. The Chair so rules.

Mr. RUSSELL. And that includes the question of constitutionality of the Presiding Officer's ruling?

The VICE PRESIDENT. By all means.

Mr. RUSSELL. The Presiding Officer proposes to submit the question of constitutionality to the Senate for determination, if that point is raised?

The VICE PRESIDENT. Under Senate precedents that is the rule.

Mr. RUSSELL. I am delighted to know we are following the precedents in some instances even if we have departed completely from them in others.

Mr. CLARK and Mr. HUMPHREY addressed the Chair.

The VICE PRESIDENT. The Senator from Pennsylvania has been attempting to get the floor for some time.

Mr. CLARK. Mr. President, I am happy to yield to the majority whip.

Mr. HUMPHREY. Mr. President, it has been suggested to me that it would be desirable at this time to read the list of cosponsors of the two resolutions which have been offered on behalf of the Senator from California and myself and other Senators, and the two notices which were also given to the Senate.

The cosponsors are as follows: Senators DOUGLAS, AIKEN, CLARK, BUSH, CARROLL, CASE of New Jersey, PROXMIRE, JAVITS, WILLIAMS of New Jersey, KEATING, NEUBERGER, SCOTT, HART, BEALL, DODD, FONG, RANDOLPH, SALTONSTALL, MCCARTHY, MORSE, and ENGLE.

Mr. President, the names of Senators were read, one Democrat and one Republican, without any relation to their seniority or to the listing on the bill. There may be other Senators who will wish to join with us, but I desired to have the record clear today as to the number of cosponsors for the so-called majority resolution and the amendment which may be offered in case the Senator from New Mexico offers his resolution.

Mr. CLARK. Mr. President—

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, in accordance with rule XL of the Standing Rules of the Senate I send to the desk written notices of motions I shall hereafter make to amend certain standing rules of the Senate and to amend, with respect to the Senate only, certain provisions of the Legislative Reorganization Act of 1946 enacted by the Congress in the exercise of the rulemaking power of the Senate and of the House of Representatives.

Unless other Senators desire to have these proposed rules changes read I do not intend to ask that they should be read. They are, in general, the rules changes which I have been arguing in public, on the floor of the Senate, and elsewhere, for quite a long while. It would take several minutes to read them. I hope no Senators will feel they should be read. If Senators so feel, however, I shall ask that they be read.

The changes proposed by Senator CLARK are as follows:

#### NOTICE OF MOTION TO AMEND SENATE RULE XXIV

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXIV of the Standing Rules of the Senate by adding a new subsection to read as follows:

"3. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters in disagreement with the House of Representatives which occasion the appointment of the committee."

The purpose of the proposed amendment is to incorporate in the Standing Rules of the Senate the democratic principle set forth in section 17 of Cleaves Manual that a simple majority of Senate members of a conference committee must be sympathetic to the prevailing view of the Senate on the matters in disagreement with the House.

#### NOTICE OF MOTION TO AMEND SENATE RULES

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), enacted by the Congress in the exercise of the rulemaking power of the Senate and the House of Representatives, with respect to the Senate, to read as follows:

"(b) No standing committee of the House, except the Committee on Rules, shall sit, without special leave, while the House is in session."

The purpose of the proposed amendment is to repeal the provision in section 134(c) of the Legislative Reorganization Act which has been interpreted to authorize a single Senator by entering objection to prevent all 130 Senate standing committees and subcommittees from meeting during Senate sessions.

#### NOTICE OF MOTION TO AMEND SENATE RULE XXV

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXV of the Standing Rules of the Senate in the following respects:

In paragraph (h) (dealing with the Committee on Finance) of subsection 1 of rule XXV, strike out the word "seventeen" and insert in lieu thereof "twenty-one"; and

In paragraph (k) (dealing with the Committee on the Judiciary) of subsection 1 of rule XXV, strike out the word "fifteen" on the first line of the said paragraph and insert in lieu thereof "seventeen."

The purpose of the amendments is to increase the size of the Finance Committee from 17 to 21 members and to increase the size of the Judiciary Committee from 15 to 17 members.

#### NOTICE OF MOTION TO AMEND SENATE RULE III

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend subsection 1 of rule III of the Standing Rules of the Senate (relating to the commencement of daily sessions) to read as follows:

"The Presiding Officer having taken the chair, and a quorum being present, motions to correct any mistakes made in the entries of the Journal of the preceding day shall be in order, and any such motion shall be deemed a privileged question, and proceeded with until disposed of. Unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved."

The purpose of the proposed amendment is to delete the obsolete provision in rule III which makes it possible for a single Senator to demand that the Journal of the preceding day be read and to tie up the Senate for long periods by doing so. Instead it is proposed that "unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved."

#### NOTICE OF MOTION TO AMEND SENATE RULE XIX

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XIX by adding at the end thereof the following new subsection:

"8. During the consideration of any measure, motion or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate."

The purpose of the proposed amendment is to provide for a rule of germaneness in debate to be invoked by majority vote on a nondebatable motion, so that the will of the Senate can be effectively carried out on urgent legislative matters.

#### NOTICE OF MOTION TO AMEND SENATE RULES

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend section 134 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), enacted by the Congress in the exercise of the rulemaking power of the Senate and the House of Representatives, to add the following new subsections at the end thereof, which shall be applicable with respect to the Senate only:

"(d) Each standing committee of the Senate shall meet at such time as it may prescribe by rule, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.



"(e) The business to be considered at any meeting of a standing committee of the Senate shall be determined in accordance with its rules, and any other measure, motion, or matter within the jurisdiction of the committee shall be considered at such meeting that a majority of the members of the committee indicate their desire to consider by votes or by presentation of written notice filed with the committee clerk.

"(f) Whenever any measure, motion, or other matter pending before a standing committee of the Senate has received consideration in executive session or sessions of the committee for a total of not less than 5 hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yeas-and-nays vote. A previous question may be asked and ordered with respect to one or more pending measures, motions, or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described therein and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of 30 minutes."

The purpose of the proposed amendment is to amend section 134 of the Legislative Reorganization Act of 1946 with respect to the Senate, to provide a "bill of rights" for Senate standing committees. The proposal would permit a majority of members of any standing committee of the Senate (1) to convene meetings of the committee; (2) to consider any matter within the jurisdiction of the committee; and (3) to end committee debate on a given measure by moving the previous question after full and fair debate of the issues.

Mr. CLARK. Mr. President, as a matter of legislative history, and as a sponsor of these proposed rules changes and of the rule changes with respect to rule XXII which have been proposed by the Senator from Minnesota and the Senator from California, I wish to say that I do not acquiesce in the present rules of the Senate.

I do not consider that if we adjourn tonight instead of recessing I have waived my rights to propose rule changes in accordance with the advisory opinion of the Vice President.

Moreover, it is my hope that a majority of Senators share my view that no acquiescence has taken place. I make the statement merely for the purpose of the legislative record, so that it may not be successfully contended tomorrow that if the Senate shall adjourn tonight, any Senator acquiesced in having the rules of the Senate continued as they were in the 86th Congress.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Illinois.

Mr. DIRKSEN. I should first like to ask the Senator from Pennsylvania to tell us how many rule changes he contemplates as to which notice has been filed.

Mr. CLARK. Six.

Mr. DIRKSEN. Can the Senator briefly paraphrase or express to the Senate what rule changes he contemplates proposing?

Mr. CLARK. The purpose of the first proposed amendment is to incorporate in the Standing Rules of the Senate the democratic principle set forth in section 17 of *Cleaves Manual* that a simple majority of the Senate members of a conference committee must be sympathetic to the prevailing view of the Senate on the matters in disagreement with the House.

The Senator will recall that we have argued that subject at some length before.

Mr. DIRKSEN. Precisely what does the Senator mean?

Mr. CLARK. I mean that the conferees on behalf of the Senate must be in favor of the action taken by the Senate.

Mr. DIRKSEN. Is the proposed amendment an expression of the sense of the Senate, or a binding proposal under which a Senator could not serve on a conference committee if he did not take the prevailing majority view as the bill or resolution left the Senate?

Mr. CLARK. The proposed amendment is to rule XXIV of the Standing Rules of the Senate, and requires that a majority of the members of the Senate conferees should be in sympathy with the action taken by the Senate. I do not wish to argue the subject now.

Mr. DIRKSEN. I simply want to be sure that we clearly understand what our distinguished friend proposes.

What is the second proposal of the Senator from Pennsylvania?

Mr. CLARK. The purpose of the second proposed amendment is to repeal the provisions of section 134(c) of the Legislative Reorganization Act, which has been, in my judgment, erroneously interpreted to authorize a single Senator, by entering an objection, to prevent all Senate standing committees and subcommittees from meeting while the Senate is in session.

Mr. DIRKSEN. In other words, that rule of dispensation, at the pleasure of a single Senator, would go out of the Senate rules. Is that correct?

Mr. CLARK. The Senator is correct.

Mr. DIRKSEN. What does the distinguished Senator propose as an alternative or substitute?

Mr. CLARK. I propose that a majority of the members of the committee may meet at any time they so desire, subject to a majority of the Senate ruling that they may not meet while the Senate is in session.

Mr. DIRKSEN. So if a request were to come to the Senate for a committee to meet while the Senate is in session, it would be necessary for the Senate to express its will upon that request yes or no. Is that correct?

Mr. CLARK. No. The committee would meet. If any individual Senator should raise a question as to the right of the committee to meet at that time, he could come to the floor of the Senate and make an appropriate motion, which, if supported by a majority, would break up the meeting.

Mr. DIRKSEN. Then it would require a wholly negative instead of an affirma-

tive approach, and whatever a committee would do would be fully consonant with the rules, unless a recalcitrant Member would come to the Senate floor and manage to get enough support to offset that action. Is that correct?

Mr. CLARK. The Senator is correct.

The next proposed change is one which I have not mentioned before, so perhaps I should state it now. It is proposed to change rule XXV of the Senate by increasing the size of the Finance Committee from 17 to 21 members, and the size of the Judiciary Committee from 15 to 17 members. The Senator from Illinois is astute enough to read between the lines.

Mr. DIRKSEN. Oh, definitely.

Mr. CLARK. The purpose of the next amendment is to delete the provision in rule III which makes it possible for a single Senator to demand that the Journal of the preceding day be read, and thus to tie up the Senate business for long periods. Instead, it is proposed that unless a motion to read the Journal of the preceding day, which is nondebateable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approval.

Mr. DIRKSEN. So that if the reading of the Journal is dispensed with, the only action which the Senate could take would be an affirmative action rather than action on the objection of a Senator?

Mr. CLARK. The Senator is correct. As the Senator from Illinois well knows, the custom has been to ask unanimous consent that reading of the Journal be dispensed with.

Mr. DIRKSEN. The Senator is correct.

Mr. CLARK. If the proposed rule change were adopted, such procedure would no longer be necessary.

The next proposed rule change provides that a rule of germaneness of debate may be invoked by majority vote on a nondebateable motion so that the will of the Senate could be carried out on legislative matters.

Mr. DIRKSEN. Would the proposed change provide that a motion to table would be debateable if a majority of the Senate so desired?

Mr. CLARK. No; the proposed rule would have no effect on a motion to table. It merely provides that if one Senator were to move that hereafter debate on pending business shall be germane, the motion would be put to a vote without further debate. If that motion were agreed to, then further debate on the measure must be germane.

Mr. DIRKSEN. I suppose the basic objective of the proposed rule is to shut off all irrelevant speeches which have no relationship to the business before the Senate at the moment.

Mr. CLARK. The Senator is correct. I believe there would be plenty of time for Senators to sound off on other matters, unless we were approaching the point where it would be desirable to have the debate limited to germane subjects.

Mr. DIRKSEN. Would the Senate determine whether or not the debate was relevant and germane?

Mr. CLARK. In the first instance, determination of germaneness would be by the Chair, and the ruling of the Chair would be subject to appeal to the Senate.

Mr. DIRKSEN. What would be required? Would we be required in every case to ask that the stenographic transcript be sent to the Senate floor, and to have it read to determine whether or not a speech had some bearing upon the subject under consideration?

Mr. CLARK. If the Senator will excuse a lighter touch, let us assume that the Senator from Illinois were making one of his justly famous speeches about mother and the flag.

Mr. DIRKSEN. I thank the Senator.

Mr. CLARK. Let us assume, further, that the Senator from Pennsylvania were to rise and suggest that that whole discussion was not germane to the pending business. The Senator from Illinois perhaps would vigorously deny it was not germane. The Chair would rule in the first instance, and there could be an appeal from the ruling of the Chair.

Mr. DIRKSEN. Suppose a Senator should rise and speak about the Cradle of Liberty in the State of my distinguished friend from Pennsylvania, and the tradition of Gettysburg, relating the subjects of heaven, home, and mother. Who would determine whether such discussion were germane or not?

Mr. CLARK. First the Chair; second, there could be an appeal to the Senate.

The final proposal is to amend the Reorganization Act so as to provide a bill of rights for certain standing committees. This proposal would permit a majority of the members of any standing committee of the Senate, first, to convene meetings of the committee; second, to consider any matter within the jurisdiction of the committee; and, third, to end debate within the committee on a given measure by moving the previous question after full and fair debate had been had within the committee.

The Senator from Illinois may be particularly interested in this proposed rule change, because he will recall some of the proceedings in the Committee on Labor and Public Welfare in connection with the minimum wage bill last year.

Mr. DIRKSEN. Is that proposed rule change designed to convoke a meeting of the committee even though the chairman of the committee may have other ideas?

Mr. CLARK. Yes.

Mr. DIRKSEN. In other words, if the proposed rule change were adopted, a majority of the members of a committee could override the chairman.

Mr. CLARK. The Senator is correct.

Mr. DIRKSEN. Mr. President, we understand now what our very distinguished friend from Pennsylvania has in mind. I should like to ask one additional question. Is it proposed now to call up all of these proposals? The Senator is filing all the motions under rule XL, as I understand.

Mr. CLARK. The Senator is correct.

Mr. DIRKSEN. And all the text of the rule changes?

Mr. CLARK. The Senator is correct.

Mr. DIRKSEN. It is the intention of the Senator from Pennsylvania then to call up all of his proposed rule changes?

Mr. CLARK. Not until after rule XXII has been disposed of one way or the other. I reserve the right to determine, as we see how the situation develops with respect to rule XXII, whether I call all of them up or only some or none.

#### NOTICE OF MOTION TO AMEND RULE XXII

Mr. ANDERSON for himself and Mr. MORTON submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XXII, section 2, to read as follows:

"2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by 16 Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

The purpose of the amendment is to amend rule XXII so as to be able to invoke cloture by a three-fifths vote instead of two-thirds.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ANDERSON. Earlier in the day I gave notice of a motion in somewhat different language. If that comes up tomorrow in the regular order of business, would I have the right to modify it by including the language just now sent to the desk?

The VICE PRESIDENT. The Senator would have that right.

Mr. DIRKSEN. Could that be done without unanimous consent?

The VICE PRESIDENT. Without unanimous consent. The Senator from New Mexico may modify his own motion.

Mr. CASE of New Jersey. Mr. President, perhaps a question I have in mind has been asked and answered already,

but in the confusion and in my negotiations with regard to this matter, I did not hear the answer, if one was given previously. May I understand that it is the Chair's view that if the notice of the Senator from New Mexico is amended as he last suggested, in accordance with the alternative notice he has given, then the motion to amend the rules, made by the Senator from Minnesota [Mr. HUMPHREY], the Senator from California [Mr. KUCHEL], and other Senators, may be offered as a substitute for the motion of the Senator from New Mexico [Mr. ANDERSON]?

The VICE PRESIDENT. It may.

Mr. CASE of New Jersey. That, then, will be voted on first, before the motion of the Senator from New Mexico?

The VICE PRESIDENT. That is correct. That is the Chair's understanding.

#### DEATHS OF SENATORS HENNINGS AND THOMSON

Mr. KUCHEL. Mr. President—

Mr. MANSFIELD. Mr. President, will the Senator from California yield to me briefly?

Mr. KUCHEL. I yield.

Mr. MANSFIELD. I should like to ask unanimous consent, with the permission of my colleagues in the Senate, that the Senator from Missouri [Mr. SYMINGTON] and the Senator from Wyoming [Mr. MCGEE] be recognized very briefly.

Mr. KUCHEL. Reserving the right to object, I should like to inquire whether that would constitute the transaction of any substantive business.

The VICE PRESIDENT. By unanimous consent, it would not.

Mr. SYMINGTON. I appreciate the courtesy of the majority leader. I have a resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 7), as follows:

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. THOMAS C. HENNINGS, JR., late a Senator from the State of Missouri.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, do now adjourn.

The VICE PRESIDENT. Without objection, the resolution is unanimously agreed to.

Mr. MCGEE. Mr. President, I send to the desk a resolution, and ask that it be read.

The VICE PRESIDENT. The resolution will be reported.

The legislative clerk read the resolution (S. Res. 8), as follows:

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. KEITH THOMSON, late a Senator-elect from the State of Wyoming.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.



*Resolved*, That as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, do now adjourn.

The VICE PRESIDENT. Without objection, the resolution is unanimously agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these two resolutions be placed in the RECORD just prior to adjournment.

The VICE PRESIDENT. Without objection, it is so ordered.

### ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to and (at 2 o'clock and 44 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, January 4, 1961, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 3, 1961

This being the day fixed by the 20th amendment of the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the House of Representatives of the 87th Congress met in their Hall, and at 12 o'clock noon were called to order by the Clerk of the House of Representatives, Hon. Ralph R. Roberts.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

From the Book of Exodus (33: 15) the prayer of Moses when the children of Israel were starting on their journey to the unknown country:

*If Thy presence go not with us, carry us not up hence.*

Almighty God, something deep and haunting within our souls now compels us to turn to Thee in prayer although we cannot fully understand its meaning and measure its power.

As Thou hast set before us an unknown year and an untraveled way, may we seek Thy kindly light to lead us and Thy divine strength to sustain us.

Grant that our President, our Speaker, our chosen Representatives, and all Government employees may enter upon this 87th Congress inspired with new vistas of outlook and new ventures of faith.

May we sincerely resolve to maintain and perpetuate, with conviction and courage, those noble principles and ideals of our high vocation to which we are giving our allegiance.

Hear us as we unite in offering unto Thee the prayer of our Saviour, the Prince of Peace:

*Our Father who art in heaven hallowed be Thy name; Thy kingdom come; Thy will be done on earth as it is in heaven; give us this day our daily bread; and forgive us our debts, as we forgive our debtors; and lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory forever.*

Amen.

### CALL OF THE ROLL

The CLERK. Representatives-elect to the 87th Congress, this is the day fixed by the Constitution of the United States for the meeting of the 87th Congress.

As directed by law, the Clerk of the House has prepared the official roll of the Representatives-elect. Certificates of election covering the 437 seats in the 87th Congress have been received and are now on file with the Clerk of the 86th Congress. The names of those persons whose credentials show they were regularly elected in accordance with the laws of their several States and of the United States will be called. As the roll is called, following the alphabetical order of the States, beginning with the State of Alabama, Representatives-elect will answer to their names to determine whether or not a quorum is present.

The reading clerk will call the roll.

The Clerk called the roll by States, and the following Representatives-elect answered to their names:

[Roll No. 1]

ALABAMA			MASSACHUSETTS		
Boykin	Rains	Jones, Robert	Conte	Lane	McCormack
Andrews	Selden	E.	Boland	Macdonald	Burke, James
Roberts	Elliott	Huddleston	Philbin	Keith	A.
			Donohue	Curtis,	Martin, Joseph
			Morse	Laurence	W.
			Bates	O'Neill	
ALASKA			MICHIGAN		
Rivers, Ralph J. (at large)					
ARIZONA			Machrowicz	O'Hara, James	Bennett, John
	Rhodes,	Udall	Meador	G.	B.
	John J.		Johansen	Harvey, James	Diggs
ARKANSAS			Hoffman,	Griffin	Dingell
			Clare E.	Cederberg	Lesinski
Gathings	Trimble	Alford	Ford	Knox	Griffiths
Mills	Harris	Norrell	Chamberlain		Broomfield
CALIFORNIA			MINNESOTA		
Miller, Clem	Gubser	Smith, Allen H.	Quie	Judd	Blatnik
Johnson,	McFall	Hiestand	Nelsen	Marshall	Langen
Harold T.	Sisk	Corman	MacGregor	Andersen, H.	
Moss	Teague,	Doyle	Karth	Carl	
Maillard	Charles M.	Lipscomb			
Shelley	Hagen, Harlan	Rousselot			
Baldwin	McDonough	Roosevelt	Abernethy	Williams	Colmer
Cohelan	Bell	Sheppard	Whitten	Winstead	
Miller, George	King, Cecil R.	Saund	Smith, Frank		
P.	Hosmer	Wilson, Bob	E.		
Younger	Hollfield				
COLORADO			Karsten	Missouri	
			Curtis,	Randall	Ichord
Rogers,	Dominick	Aspinall	Bolling	Bolling	Cannon
Byron G.	Chenoweth		Thomas B.	Hull	Jones, Paul C.
			Sullivan	Hall	Moulder
CONNECTICUT			MONTANA		
Daddario	Sibal	Kowalski (at		Battin	Olsen
Seely-Brown	Monagan	large)			
Gialmo					
DELAWARE			NEBRASKA		
			Weaver	Beerman	Martin, Dave
McDowell (at large)			Cunningham		
FLORIDA			NEVADA		
				Baring (at large)	
Cramer	Fascell	Haley		NEW HAMPSHIRE	
Bennett,	Herlong	Matthews			
Charles E.	Rogers, Paul		Merrow	Bass, Perkins	
Sikes	G.				
GEORGIA			NEW JERSEY		
Hagan, G.	Flynt	Davis, John W.	Cahill	Frelinghuysen	Rodino
Elliott	Davis, James	Blitch	Glenn	Dwyer	Addonizio
Plicher	C.	Landrum	Auchincloss	Widnall	Wallhauser
Forrester	Vinson	Stephens	Thompson,	Joelson	Gallagher
			Frank	Osmers	Daniels
HAWAII			NEW MEXICO		
Inouye (at large)			Montoya (at	Morris (at	
			large)	large)	
IDAHO			NEW YORK		
Harding	Pfost				
ILLINOIS			Pike	Multer	Fino
			Derounian	Rooney	Dooley
Dawson	Yates	Arends	Becker	Ray	Barry
O'Hara,	Collier	Michel	Halpern	Powell	St. George
Barratt	Pucinski	Chipperfield	Addabbo	Lindsay	Wharton
Murphy	Finnegan	Findley	Holtzman	Santangelo	O'Brien, Leo
Derwinski	Church	Mack	Delaney	Farbstein	W.
Kluczynski	Hoffman,	Springer	Anfuso	Ryan	King,
O'Brien,	Elmer J.	Shipley	Keogh	Zelenko	Carleton J.
Thomas J.	Mason	Price	Kelly	Healey	Stratton
Libonati	Anderson,	Gray	Celler	Gilbert	Kilburn
Rostenkowski	John B.		Carey	Buckley	Pirnie